



CITY OF ALAMEDA • CALIFORNIA

SPECIAL JOINT MEETING OF THE CITY COUNCIL AND
COMMUNITY IMPROVEMENT COMMISSION
TUESDAY - - - FEBRUARY 15, 2005 - - - 6:10 P.M.

Time: Tuesday, February 15, 2005, 6:10 p.m.

Place: **City Council Chambers Conference Room**, City Hall, corner
of Santa Clara Avenue and Oak Street.

Agenda:

1. Roll Call.

2. Public Comment on Agenda Items Only.

Anyone wishing to address the Council/Commission on agenda items only may speak for a maximum of 3 minutes per item.

3. Adjournment to Closed Session to consider:

3-A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Name of cases: Alameda Belt Line v. City of Alameda,
Alameda Belt Line v. City of Alameda, and
City of Alameda v. Alameda Belt Line.

4. Announcement of Action Taken in Closed Session, if any.

Adjournment

Beverly Johnson, Mayor
Chair, Community Improvement
Commission



CITY OF ALAMEDA • CALIFORNIA

SPECIAL MEETING OF THE CITY COUNCIL
TUESDAY - - - FEBRUARY 15, 2005 - - - 6:30 P.M.

Time: Tuesday, February 15, 2005, 6:30 p.m.

Place: **City Council Chambers Conference Room**, City Hall, corner
of Santa Clara Avenue and Oak Street.

Agenda:

1. Roll Call.

2. Public Comment on Agenda Items Only.

Anyone wishing to address the Council on agenda items only,
may speak for a maximum of 3 minutes per item.

3. Adjournment to Closed Session to consider:

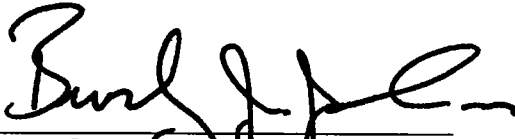
3-A. CONFERENCE WITH LABOR NEGOTIATORS

Agency Negotiators: Human Resources Director and Craig
Jory.

Employee Organizations: Management and Confidential
Employees Association, International
Brotherhood of Electrical Workers,
and Police Association Non-Sworn.

4. Announcement of Action Taken in Closed Session, if any.

Adjournment


Beverly Johnson, Mayor



CITY OF ALAMEDA • CALIFORNIA

IF YOU WISH TO ADDRESS THE COUNCIL:

1. Please file a speaker's slip with the Deputy City Clerk and upon recognition by the Mayor, approach the podium and state your name; speakers are limited to three (3) minutes per item.
2. Lengthy testimony should be submitted in writing and only a summary of pertinent points presented verbally.
3. Applause and demonstration are prohibited during Council meetings.

AGENDA - - - - - REGULAR MEETING OF THE CITY COUNCIL TUESDAY - - FEBRUARY 15, 2005 - - - - 7:30 P.M.

[Note: Regular Council Meeting convenes at 7:30 p.m., **City Hall, Council Chambers, corner of Santa Clara Ave and Oak St.**]

The Order of Business for City Council Meeting is as follows:

1. Roll Call
2. Agenda Changes
3. Proclamations, Special Orders of the Day and Announcements
4. Consent Calendar
5. Agenda Items
6. Oral Communications, Non-Agenda (Public Comment)
7. Council Communications (Communications from Council)
8. Adjournment

Public Participation

Anyone wishing to address the Council on agenda items or business introduced by Councilmembers may speak for a maximum of 3 minutes per agenda item when the subject is before Council. Please file a speaker's slip with the Deputy City Clerk if you wish to address the City Council.

SPECIAL JOINT MEETING OF THE CITY COUNCIL AND	6:10 P.M.
COMMUNITY IMPROVEMENT COMMISSION	
CITY COUNCIL CHAMBERS CONFERENCE ROOM	
Separate Agenda (Closed Session)	

SPECIAL MEETING OF THE CITY COUNCIL	6:30 P.M.
CITY COUNCIL CHAMBERS CONFERENCE ROOM	
Separate Agenda (Closed Session)	

PLEDGE OF ALLEGIANCE

1. ROLL CALL - City Council

2. AGENDA CHANGES

3. PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

3-A. Proclamation supporting the Navy League's efforts to designate the City of Alameda as an official "Coast Guard City." [Mayor Johnson]

4. CONSENT CALENDAR

Consent Calendar items are considered routine and will be enacted, approved or adopted by one motion unless a request for removal for discussion or explanation is received from the Council or a member of the public.

4-A. Minutes of the Special and Regular City Council Meetings held on February 1, 2005.

4-B. Bills for ratification.

4-C. Recommendation to accept the Quarterly Sales Tax Report for the second calendar quarter of 2004.

4-D. Adoption of Resolution Appointing an Engineer and an Attorney for Island City Landscaping and Lighting District 84-2.

4-E. Adoption of Resolution Appointing an Engineer and an Attorney for Maintenance Assessment District 01-01 (Marina Cove).

4-F. Adoption of Resolution Amending the International Brotherhood of Electrical Workers (IBEW) Salary Schedule by Establishing a Salary Range for the Position of Inventory Control Clerk.

5. REGULAR AGENDA ITEMS

5-A. Adoption of Resolution Appointing Dennis J. Hanna as a Member of the Social Service Human Relations Board. [Partial term expiring June 30, 2007]

5-B. Introduction of Ordinance Amending the Alameda Municipal Code to Increase the Composition of the Golf Commission from Five to Seven Members by Amending Subsections 2-9.1 (Commission Created; Composition), 2-9.2 (Membership; Appointment; Removal) and 2-9.3 (Voting) of Section 2-9 (City Golf Commission). [Mayor Johnson]

- 5-C. Recommendation to award Contract in the amount of \$2,110,000, including contingencies to Ghilotti Brothers, Inc. for Park Street Streetscape and Town Center Project, Phase I, No. P.W. 10-02-13, and authorize the allocation of additional funds from the Merged Areas Bond Issuance of 2003.
- 5-D. Adoption of Resolution Approving the Form of and Authorizing the Execution and Delivery of a Purchase and Sale Agreement and Related Documents with Respect to the Sale of the Seller's Vehicle License Fee Receivable from the State, and Directing and Authorizing Certain Other Actions in Connection Therewith.
- 5-E. Recommendation to accept budget adjustments to revenue and appropriations.

6. ORAL COMMUNICATIONS, NON-AGENDA (Public Comment)

Any person may address the Council in regard to any matter over which the Council has jurisdiction or of which it may take cognizance, that is not on the agenda.

7. COUNCIL COMMUNICATIONS (Communications from Council)

8. ADJOURNMENT

- For use in preparing the Official Record, speakers reading a written statement are invited to submit a copy to the City Clerk at the meeting or e-mail to: lweisige@ci.alameda.ca.us
- Sign language interpreters will be available on request. Please contact the City Clerk at 747-4800 or TDD number 522-7538 at least 72 hours prior to the Meeting to request an interpreter.
- Equipment for the hearing impaired is available for public use. For assistance, please contact the City Clerk at 747-4800 or TDD number 522-7538 either prior to, or at, the Council Meeting.
- Accessible seating for persons with disabilities, including those using wheelchairs, is available.
- Minutes of the meeting available in enlarged print.
- Audio Tapes of the meeting are available upon request.
- Please contact the City Clerk at 747-4800 or TDD number 522-7538 at least 48 hours prior to the meeting to request agenda materials in an alternative format, or any other reasonable accommodation that may be necessary to participate in and enjoy the benefits of the meeting.

CITY OF ALAMEDA

Memorandum

Date: February 8, 2005

To: Honorable Mayor
and Councilmembers

From: William C. Norton
Interim City Manager

Re: Regular and Special City Council Meetings and Special Joint City Council
and Community Improvement Commission Meeting of February 15, 2005

Transmitted are the agendas and related materials for the Regular and Special City Council Meetings and the Special Joint City Council and Community Improvement Commission Meeting of February 15, 2005.

CITY COUNCIL AGENDA

1. ROLL CALL - City Council
2. AGENDA CHANGES
3. PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS
- 3-A. Proclamation supporting the Navy League's efforts to designate the City of Alameda as an official "Coast Guard City." [Mayor Johnson]

At this time the Mayor will present a proclamation to Barbara Price supporting the Navy League's efforts to designate the City of Alameda as "A Coast Guard City."

CONSENT CALENDAR

- 4-A. Minutes of the Special and Regular City Council Meetings held on February 1, 2005.

The City Clerk has presented for approval the Minutes of the Special and Regular City Council meetings held on February 1, 2005.

- 4-B. Bills for ratification.
- 4-C. Recommendation to accept the Quarterly Sales Tax Report for the second calendar quarter of 2004.

It is recommended that Council accept the Quarterly Sales Tax Report for the second quarter of 2004. Although the quarterly sales tax revenues increased by 5.4% compared to the same quarter of the prior year, the two year period reflects a decrease of 1%.

- 4-D. Adoption of Resolution Appointing an Engineer and an Attorney for Island City Landscaping and Lighting District 84-2.

Adoption of this resolution appoints an engineer and an attorney for the Island City Landscaping and Lighting District. It is proposed again, as was done in the past, to appoint the City Engineer and the City Attorney for these services.

- 4-E. Adoption of Resolution Appointing an Engineer and an Attorney for Maintenance Assessment District 01-01 (Marina Cove).

Adoption of this resolution appoints an engineer and an attorney for the Maintenance Assessment District for Marina Cove. It is proposed again, as was done in the past, to appoint the City Engineer and the City Attorney for these services.

- 4-F. Adoption of Resolution Amending the International Brotherhood of Electrical Workers (IBEW) Salary Schedule by Establishing a Salary Range for the Position of Inventory Control Clerk.

It is recommended that Council approve the amendment to the IBEW salary schedule. This resolution establishes the hourly salary range of a new classification, Inventory Control Clerk, AP&T, on the IBEW salary schedule. This recommendation does not require any addition to headcount and there is no financial impact to the General Fund. The AP&T Enterprise Fund will pay the funds required to cover the recommended salary range.

REGULAR AGENDA ITEMS

- 5-A. Adoption of Resolution Appointing Dennis J. Hanna as a Member of the Social Service Human Relations Board. [Partial term expiring June 30, 2007]

It is recommended that Council adopt a resolution appointing Dennis J. Hanna as a member of the SSHRB.

- 5-B. Introduction of Ordinance Amending the Alameda Municipal Code to Increase the Composition of the Golf Commission from Five to Seven Members by Amending Subsections 2-9.1 (Commission Created; Composition), 2-9.2 (Membership; Appointment; Removal) and 2-9.3 (Voting) of Section 2-9 (City Golf Commission). [Mayor Johnson]

It is recommended that Council introduce an ordinance amending the Municipal Code to increase the composition of the Golf Commission from five to seven members. The additional members would help promote regular and tournament golf play, prioritize golf course improvement projects (Clubhouse) and make certain the successful operation of the Golf Complex. The funding for costs for the additional Golf Commissioners will come from the Golf Course Enterprise Fund.

- 5-C. Recommendation to award Contract in the amount of \$2,110,000, including contingencies to Ghilotti Brothers, Inc. for Park Street Streetscape and Town Center Project, Phase I, No. P.W. 10-02-13, and authorize the allocation of additional funds from the Merged Areas Bond Issuance of 2003.

It is recommended that Council award the contract in the amount of \$2,110,000, including contingencies, to Ghilotti Brothers, Inc. for the Park Street Streetscape and Town Center Project, and authorize the allocation of \$175,000 additional funds from the 2003 Merged Areas Bond. Applying funds from this source will not affect the City's ability to carry out other, major projects (such as the Theater and Parking Structure).

- 5-D. Adoption of Resolution Approving the Form of and Authorizing the Execution and Delivery of a Purchase and Sale Agreement and Related Documents with Respect to the Sale of the Seller's Vehicle License Fee Receivable from the State, and Directing and Authorizing Certain Other Actions in Connection Therewith.

It recommended that Council adopt this resolution. Alameda's participation in the VLF Program will have many benefits which are listed in this report. The sale of the City's VLF Receivable would provide additional revenues in FY 2004-05, which can be applied to resolve budgetary challenges in FY 2004-05 and 2005-06.

- 5-E. Recommendation to accept budget adjustments to revenue and appropriations.

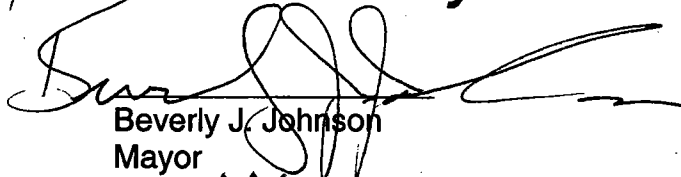
It is recommended that Council approve the described recommended changes to revenues and appropriations. In summary, revenue estimates are reduced by \$1.4 million and appropriations are reduced \$6.3 million. It is estimated that there will be no net change at year-end to General Fund Reserves.

Proclamation

- Whereas,** The United States Coast Guard shares a rich history alongside Alameda; and
- Whereas,** the Coast Guard has operated in the Estuary between Alameda and Oakland since 1926; and
- Whereas,** numerous cutters have shared Coast Guard Island as a home-port including the TANEY, GRESHAM, and BARATARIA; and currently the BOUTWELL, MUNRO, and MORGANTHAU are stationed there; and
- Whereas,** the City of Alameda, its businesses and residents support the Coast Guard in action and deed, from proclamations to military discounts; and
- Whereas,** the City of Alameda takes pride in our support of Coast Guard troops and has consistently supported efforts that benefit the troops' families such as the retention of the Woodstock Child Development Center which serves many Coast Guard children; and
- Whereas,** making Coast Guard men and women and their families feel at home in their "home away from home" is an invaluable contribution to morale and service excellence; and
- Whereas,** the Alameda Council of the Navy League of the United States has commenced their efforts to obtain the Coast Guard's official designation of Alameda as a "Coast Guard City."

Now therefore be it resolved, that we, the City Council of the City of Alameda, do hereby proclaim support for the Navy League's efforts to designate the City of Alameda as an official

"Coast Guard City"

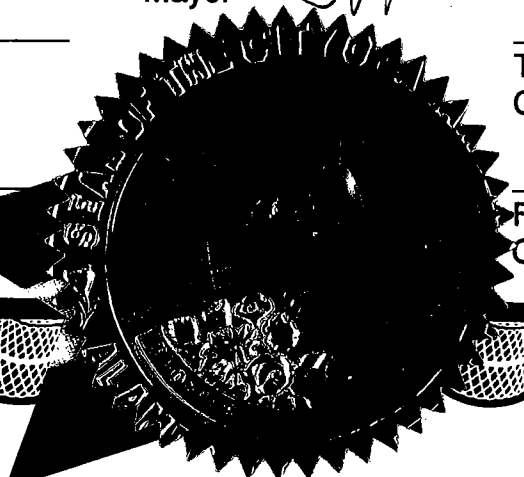

Beverly J. Johnson
Mayor

Marie Gilmore
Vice Mayor

Tony Daysog
Council Member

Doug deHaan
Council Member

Frank Matarrese
Council Member



**Proclamation #3-A
2-15-05**

UNAPPROVED MINUTES
MINUTES OF THE SPECIAL CITY COUNCIL MEETING
TUESDAY - - - FEBRUARY 1, 2005 - - - 6:45 P.M.

Mayor Johnson convened the Special Meeting at 6:45 p.m.

Roll Call - Present: Councilmembers Daysog, deHaan, Gilmore,
Matarrese, and Mayor Johnson - 5.

Absent: None.

The Special Meeting was adjourned to Closed Session to consider:

(05-) Conference with Legal Counsel - Existing Litigation; Name
of case: Younger-Wunar, Inc. v. City of Alameda.

(05-) Conference with Legal Counsel - Existing Litigation; Name
of case: Gallagher & Burke, Inc. v City of Alameda.

Following the Closed Session, the Special Meeting was reconvened
and Mayor Johnson announced that regarding Younger-Wunar, Inc. v.
City of Alameda, the Council obtained briefing and instructions
were given to Legal Counsel; and regarding Gallagher & Burke, Inc.
v. City of Alameda, the Council obtained briefing and instructions
were given to Legal Counsel.

Adjournment

There being no further business, Mayor Johnson adjourned the
Special Meeting at 7:10 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown
Act.

UNAPPROVED MINUTES

ROLL CALL Present: Councilmembers Daysog, deHaan, Gilmore, Matarrese, and Mayor Johnson - 5.

AGENDA CHANGES

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

Mayor Johnson read the Proclamation and presented it to Pat Dilks of the Children's Learning Center representing the Youth Collaborative.

(05-) Update on the new main library project.

Mayor Johnson inquired when the construction budget would be submitted, to which the Project Manager responded that the construction budget was set by the \$17.4 million contract.

Vice Mayor Gilmore inquired whether the steel prices were locked in before the end of 2004, to which the Project Manager responded in the affirmative; stated the rebar subcontractor withdrew because of bankruptcy.

Mayor Johnson announced that the minutes [paragraph no. 05-], and the Resolution Authorizing the Application to the Metropolitan

Transportation Commission [paragraph no. 05-] were removed from the Consent Calendar for discussion.

Councilmember deHaan moved approval of the remainder of the Consent Calendar.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

[Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(05-) Minutes of the Special and Regular City Council meetings held on January 18, 2005.

Mayor Johnson requested that the minutes of the Regular City Council Meeting should be revised to reflect that she was not absent.

Councilmember Matarrese moved approval of the Special City Council Meeting and revised Regular City Council Meeting.

Councilmember deHann seconded the motion, which carried by unanimous voice vote - 5.

(*05-) Ratified bills in the amount of \$4,627,942.61.

(*05-) Recommendation to accept the Quarterly Investment Report for period ending December 31, 2004. Accepted.

(*05-) Recommendation to approve Agreement with Ameresco Half Moon Bay, LLC for the purchase of power from Landfill Gas Generation. Accepted.

(*05-) Resolution No. 13812, "Authorizing the Application to CalTrans for a Bicycle Transportation Account Grant for Improvements to the Bay Farm Island Bicycle Bridge Approach." Adopted.

(05-) Resolution No. 13813, "Authorizing the Application to the Metropolitan Transportation Commission for a Regional Bicycle and Pedestrian Program Grant for the Cross Alameda Trail Phase I." Adopted.

Councilmember deHaan inquired whether the purchase of the right-of-way for the linear park was part of the Alameda Belt Line property, to which the Public Works Director responded in the affirmative.

The City Attorney stated that the Alameda Belt Line litigation involves the exercise of the right to purchase the entire Alameda Belt Line property, not just the 22 acre site.

Mayor Johnson stated that the purchase of the right-of-way for the linear park was separate from the down zoned area [Measure D, 2000].

Councilmember deHaan inquired whether the curb on Ralph Appezzato Memorial Parkway was under the City's jurisdiction, to which the Public Works Director responded the street from curb to curb is within the public right-of-way.

Councilmember deHaan inquired whether improvements have been made to the area, to which the Public Works Director responded that there were no improvements on the south side of Appezzato Memorial Parkway because the City only owns the area to the curb; the Alameda Belt Line property runs from the back of the curb to the fence line.

Councilmember deHaan moved adoption of the Resolution.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

(*05-) Resolution No. 13814, "Approving Submittal of a Revised Application, Incorporating a Flat Parking Lot and Budget Adjustments, to the Office of Library Construction Under the California Reading and Literacy Improvement and Public Library Construction and Renovation Bond Act of 2000." Adopted.

REGULAR AGENDA ITEMS

(05-) Public Hearing to consider an Appeal of the Planning Board's approval of Design Review, DR04-0101, to allow a 5,300 square foot new commercial building (veterinary hospital) to replace approximately 2,000 square feet of commercial buildings, with a parking lot expansion to 23 spaces; **and adoption of related resolution.** The property is located at 1410 Everett Street in the C-C Community Commercial and R-5 Hotel Residential Zoning Districts. Appellant: John Barni, Jr. Applicant: Park Centre Animal Hospital.

The Supervising Planner provided a brief overview of the project.

Vice Mayor Gilmore inquired whether rezoning from R-5 to C-C would make the existing property conform to the General Plan designation, to which the Supervising Planner responded in the affirmative.

Mayor Johnson opened the Public Hearing.

Proponents (In favor of appeal): George Borikas, Alameda; John Barni, Appellant; Paul Schmidt, Alameda; Erin Beales, Alameda; Tom Matthews, Alameda; Joe Meylor, Alameda.

Opponents (Not in favor of appeal): Steve Busse, Park Centre Animal Hospital; Richard Raus, Applicant's Architect; Gregory Roseen, Roseen Builders Inc.; Cathy Wydner, Park Centre Animal Hospital; Genevieve Manchester-Johnson, Park Centre Animal Hospital; Helen Mohr, Alameda; Robb Ratto, Park Street Business Association; Debbie George; Tracy McKean, Alameda Publishing Group; Gene Oh; Shana Levy, Alameda.

There being no further speakers, Mayor Johnson closed the public portion of the Hearing.

Councilmember deHaan inquired whether the Planning Department was comfortable with the notification process and whether there was a problem with the identification of the addresses.

The Supervising Planner responded that all three speakers who advised that they did not receive notification are on the mailing list; the Planning Board notification was sent out on November 23 for the Planning Board Meeting in early December; the same list was used for notification of tonight's meeting; there was no indication that any of the 171 notices were returned for non-receipt.

Councilmember deHaan inquired whether there was confusion with the project address, to which the Supervising Planner responded that the current Veterinary Hospital address was used; there might have been some confusion about whether or not the corner lot was also going to be redeveloped if the plans were not reviewed.

Councilmember deHaan inquired whether there has been confusion with addresses in the past.

The Supervising Planner responded that addresses for corner lots could be confusing because of multiple addresses; a scanned site location map will be attached to notifications in the future.

Vice Mayor Gilmore inquired whether there were three separate addresses for the three different parcels, to which the Supervising Planner responded in the affirmative.

Vice Mayor Gilmore inquired whether having two different addresses would change the notification circumference, to which the

Supervising Planner responded that the circumference would be changed slightly; all three speakers who stated that they did not receive notification live within 300 feet regardless of the Everett Street or Central Avenue address.

Vice Mayor Gilmore inquired whether someone would be unaware that Central Avenue was involved if they did not review the plans, to which the Supervising Planner responded in the affirmative.

Councilmember Matarrese inquired whether use permits run with the current proprietor or with the property, to which the Supervising Planner responded that use permits run with the land; stated use permits do not change the zoning.

Mayor Johnson inquired whether the notice is valid, to which the City Attorney responded that the notice complies with the requirements of the Municipal Code and the current practices of the Planning Department.

Councilmember deHaan requested clarification on the dog walking practices.

Mr. Busse stated that currently the dogs are walked on the existing bank property as well as in the neighborhood.

Councilmember deHaan inquired whether dogs are boarded, to which Mr. Busse responded in the affirmative.

Councilmember deHaan inquired whether there is design latitude on the Central Avenue side, to which Mr. Busse responded enhancements have been made; additional latticework is being added.

Councilmember deHaan stated he was concerned with trees covering the sign.

Councilmember Matarrese inquired whether landscaping was one foot from the lot line and five feet from the edge of the sidewalk.

Mr. Busse responded that there would be a five foot two inch landscape buffer from the existing sidewalk.

Mayor Johnson stated that she supports the project; Design Review is the only issue before the Council; good improvements have been made.

Councilmember deHaan stated that he is concerned about the notification.

Councilmember Matarrese stated that the project should be renoticed, and Design Review should be sent back to the Planning Board.

Vice Mayor Gilmore stated that she would like to go on record as liking the design, especially the changes the architect has made; she is concerned about the noticing issue.

Mayor Johnson stated that she concurs with Vice Mayor Gilmore; not including the address on Central Avenue in the notice may have caused confusion; she feels badly for the business because of the project delay.

Councilmember Daysog stated that speakers mentioned that the design does not fit the residential character of the neighborhood; arguments could be made that the design is an improvement over the existing structure; the project is a positive step.

Councilmember deHaan moved that the matter be sent back to the Planning Board for proper notification.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

Councilmembers Matarrese, Gilmore, Daysog, and Mayor Johnson went on record that the only reason the matter was being sent back to the Planning Board was to allow proper notification.

(05-____) Public Hearing to consider Amendment to Zoning Map to rezone approximately 7,800 square feet (1/5 acre) at 1410 Everett Street, APN 070-170-15, from R-5 Hotel Residential to C-C Community Commercial; and

(05-__A) Introduction of Ordinance Reclassifying and Rezoning Certain Property within the City of Alameda by Amending Zoning Ordinance No. 1277, N.S., from R-5 (General Residential) Zoning District to C-C (Community Commercial) Zoning District, for that Property Located at 2507 Central Avenue at Everett Street. **Not introduced.**

Mayor Johnson opened the Public Hearing.

Proponents (In favor of rezoning): Robb Ratto, Park Street Business Association; Steve Busse, Park Centre Animal Hospital.

Opponents (Not in favor of rezoning): John Barni, Alameda.

There being no further speakers, Mayor Johnson closed the public

portion of the hearing.

Vice Mayor Gilmore moved that the matter be sent back to the Planning Board for proper notification.

Councilmember deHaan seconded the motion, which carried by unanimous voice vote - 5.

* * *

Mayor Johnson called a recess at 10:05 p.m. and reconvened the Regular City Council Meeting at 10:21 p.m.

* * *

Mayor Johnson announced that the recommendation to direct the City Manager to prepare an ordinance [paragraph no. 05-_____] would be heard before the discussion regarding options for relocation assistance [paragraph no. 05-_____].

(05-_____) Recommendation to direct the City Manager to prepare an ordinance establishing a Theatre Combining District in Chapter XXX, Development Regulations.

Lars Hanson, Park Street Business Association (PSBA), stated that PSBA supports establishment of the ordinance.

Mayor Johnson announced that the following speakers are in favor but would not comment: Pauline Kelley, Alameda; Abigail Wade, Regency Antiques; Nick Petrulakis, Books Inc.; Elizabeth Pinkerton, Dog Bone Alley; Gene Oh, Alameda Bicycle, Robb Ratto, PSBA.

Councilmember deHaan moved to approval of the staff recommendation.

Councilmember Matarrese seconded the motion.

Under discussion, Councilmember Daysog inquired whether accepting the staff recommendation allows the Central Cinema to continue operating, to which the City Attorney responded in the affirmative.

On the call for the question, the motion carried by unanimous voice vote - 5.

(05-_____) Discussion regarding options for relocation assistance legislation and a temporary moratorium on all new construction, demolition and condominium conversion in the "West End Atlantic Corridor Area" (bounded by Webster Street, Main Street, Pacific Avenue and Ralph J. Appezzato Memorial Parkway).

Proponents: Mosetta Rose London, Alameda; Donald Cunningham,

Alameda; Modessa Henderson, Harbor Island Tenant Association (HITA); Motoe Yamada, Alameda; Emily, Lin; Michael Wharton, Alameda Unified School District; Gerbrehiwot Tesfandrias, Alameda; Michael John Torrey, Alameda; Samya Ahmed, HITA; David de la Torre, Alameda; Lorraine Lilley, HITA; Tom Matthews, Renewed Hope; Lynette Lee, Renewed Hope; Isolina Cadle, HITA; Michael Yoshii, Buena Vista United Methodist Church; Judge Richard Bartalini, Alameda; Arnold Fong, Alameda resident and RPO; Lily Lueng, Alameda.

Neutral: Dr. Mary Abu-saba, Alameda; Deborah James, Alameda; Craig Miott, Alameda.

Opponents: Jack Sullivan, Alameda resident and Rental Property Owner (RPO); Jun Saraspi, RPO; John Goerl, RPO; Shirley Green, Alameda resident and RPO; Paul Anders, Alameda resident and RPO; Merle Pagel, Alameda resident and RPO; Maewood Zarback, Alameda resident and RPO; Roger Armstrong, RPO; Rosemary McNally, Alameda resident and RPO; Angela McIntyre, Alameda Association of Realtors; Harry McMillan, RPO; Ann O'Rourke, Alameda resident and RPO; former Councilmember Hadi Monsef, Alameda; Chris Mazala, Mason Management; Don Camara, Alameda resident and RPO; Lisa Fowler, Gallagher and Lindsey; Eileen Walker, Alameda resident and President of Alameda Association of Realtors; Ann Bracci, Alameda; Dave Gallagher, RPO; Hanna Fry, Alameda resident and RPO; Mark Palmer, Alameda resident and RPO; Ellen Purdy, Harbor Bay Realty; Ed Murphy, Alameda resident and RPO; Arch Woodliff, Alameda resident and RPO; Suha Erdem, Alameda resident and RPO; Cynthia Ridenour, Alameda resident and RPO; former Councilmember Barbara Kerr, Alameda; Thomas Cooke, Bonanza Apartments; Carol Martino, Realty World Martino Associates; Kathy Lautz, Apartment Owners Association; Steve Edrington, Rental Housing Association of Northern Alameda County.

* * *

(05-) After speaker Cynthia Ridenour, Councilmember Matarrese moved that the Regular Meeting be continued past midnight.

Vice Mayor Gilmore seconded the motion, which carried by unanimous voice vote - 5.

* * *

Councilmember Daysog stated that as a graduate student he worked on a project analyzing the impacts of rent control in Berkeley and Santa Monica; in both cases, rent control laws did not help the people; he is concerned that someone would use the proposed ordinance to file a lawsuit for reasons having little or nothing to do with the Harbor Island Apartment situation; the emphasis of the proposed ordinance is wrong by focusing on landlord/tenant relations; involvement in landlord/tenant relations is done

informally via the Rent Review Advisory Committee; requested that staff, landlords and residents work together to develop something other than an ordinance that speaks to short notice mass evictions and voluntary relocation assistance.

Mayor Johnson requested staff to determine how local and State statutes could be put to better use; stated the maintenance and quality of life issues at the Harbor Island Apartments could have been handled better.

Councilmember Matarrese stated that he has not met one person who has defended the 15 Asset Management Group's action; requested staff to review whether there is a hole in the condominium conversion ordinance and whether there is an attempt to circumvent the ordinance; the proposed ordinance does not address the impact of not providing a reasonable, fair amount of public notice for vacating the complex completely; the Alameda Unified School District is trying to close a gap of over a million dollars; perhaps the 15 Asset Management Group should pay an impact fee; the Harbor Island Apartment issue will not be resolved soon; encouraged investment and improvement in the West End; stated process should include social impacts.

Vice Mayor Gilmore stated the goal should be preventing a Harbor Island Apartment situation from happening again; the question is how to go about it; the City needs to work to enforce current laws; the former residents suffered greatly; West End residents need to know that they are just as important as residents in other sections of the City; landlords have stated that the proposed ordinance will not work from their standpoint; challenged the landlords to work with the City and the residents and come up with a way of preventing the situation from happening again; stated steps need to be put in place to have it happen sooner rather than later.

Councilmember deHaan stated that redeveloping the West End will cause displacement; a good social eye is needed for what is occurring; the City knew that something was going astray; a wedge has been driven between the landlords and tenants; the size of the Harbor Island Apartments makes it difficult to manage; the property cannot afford to be kept out of the rental market; that he does not believe the ordinance or moratorium are the answer.

Councilmember Daysog stated the concerns that people had regarding mandatory relocation assistance could be the same concerns regarding mandatory impacts; the City needs to be creative in following through with a voluntary relocation program.

Mayor Johnson stated that she had no expectation that the Council

could create an ordinance tonight; she does not think the drafted ordinances are the answers; stated that she concurs with Vice Mayor Gilmore's challenge to have property owners and residents work together and provide suggestions; no one in Alameda has not been offended by the actions of 15 Asset Management Group.

Councilmember Matarrese stated that he is looking for some type of quantifiable action in going forward; over the last year and a half, Council had knowledge of the crime situation around the complex; Housing Authority reports stated Section 8 units were being decertified because standards were not being met; requested the City Manager to compile indicators such as crime, Code Enforcement complaints, and Housing Authority Section 8 decertification which would allow Council to set a policy on how to react should there be another large complex that is spinning in the same fashion as the Harbor Island Apartments situation.

Mayor Johnson requested an inventory of ordinances that have not been strongly enforced to allow Council to set a policy on enforcement.

Councilmember Matarrese requested staff to review the Harbor Island Apartments in relation to Alameda Municipal Code Section 13-11.3.

Mayor Johnson requested an inventory of ordinances that apply to Alameda, whether State or local.

Councilmember deHaan stated that he would like to review how other cities have utilized the State ordinances and whether other cities have been effective.

Mayor Johnson stated that it is important for the Council to set a policy utilizing existing ordinances.

Councilmember Daysog requested feedback from staff on his draft voluntary relocation assistance.

Vice Mayor Gilmore stated that going through the process has raised public awareness; a committee of tenant and landlord representatives should be formed to keep the momentum going and discuss the issues; landlords have been reactionary to tenants' ideas; landlords and tenants should work more cooperatively in developing ideas for preventing the situation from occurring again.

Mayor Johnson requested that suggestions on the framework of the committee be brought back to Council at the next City Council meeting.

Vice Mayor Gilmore moved that staff follow up on direction provided tonight.

Councilmember Matarrese clarified that the motion was to direct staff to: 1) provide a compilation of indicators relating to crime, Code Enforcement, and Housing Authority Section 8 decertification which would enable the Council to develop a policy on how to react, and 2) provide a framework for a committee which would include defining what happened at the Harbor Island Apartments and how to prevent the situation from happening again.

Mayor Johnson stated Councilmember Daysog's voluntary relocation assistance draft should be included.

Councilmember Daysog stated his suggestion could be reviewed by the proposed committee.

Councilmember Daysog seconded the motion, which carried by unanimous voice vote -5.

ORAL COMMUNICATIONS, NON-AGENDA

(05-____) Former Councilmember Barbara Kerr, Alameda, stated the City Attorney received a copy of the State law on rentals two years ago; noted Committees, except those she has chaired, often do not sunset on time; stated landlords would get together to respond to Councilmember Gilmore's challenge [to come up with something to prevent a Harbor Island Apartment situation from happening again].

(05-____) Judge Richard Bartalini, Alameda, thanked Councilmember Daysog for returning property he left in the Chambers at a previous meeting.

(05-____) Steve Edrington, Rental Housing Association, stated that he could provide Council with copies of the rental housing laws.

(05-____) Arch Woodliff, Alameda, noted that he chaired the committee which dealt with rent in 1974 and first founded the Rent Review Advisory Committee.

COUNCIL COMMUNICATIONS

(05-____) Consideration of Mayor's nomination for appointment to the Social Service Human Relations Board. [Partial term expiring June 30, 2007]

Mayor Johnson nominated Dennis Hanna for appointment to the SSHRB.

(05-____) Vice Mayor Gilmore request staff to provide information on the cost for filing an appeal; stated Mr. Barni indicated his appeal cost \$700; that she understood the fee was \$95; inquired where the fee for the other \$600 came from and if it was a result of Council direction.

Mayor Johnson stated that the appeal fee appears to be open-ended.

Councilmember deHaan inquired whether winning an appeal resulted in a fee refund.

Mayor Johnson stated that she believes there should be a flat fee for appeals.

(05-____) Councilmember deHaan requested staff to investigate the renovation on the 2200 block of San Jose Avenue; stated approximately three times the size of the previous structure is being added; inquired what can be done to ensure similar renovations from occurring in the future.

(05-____) Councilmember deHaan inquired whether the City has a graffiti team; requested staff to respond to graffiti on green utility boxes throughout the City.

(05-____) Councilmember Daysog stated a local dentist contacted him about not being able to put a sign on his office; other offices in similarly zoned areas have signs; requested staff to investigate the matter.

ADJOURNMENT

There being no further business, Mayor Johnson adjourned the meeting at 1:14 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

February 10, 2005

Honorable Mayor and Councilmembers:

This is to certify that the claims listed on the check register and shown below have been approved by the proper officials and, in my opinion, represent fair and just charges against the City in accordance with their respective amounts as indicated thereon.

Check Numbers

Amount

132957 - 133377
E13137 - E13246

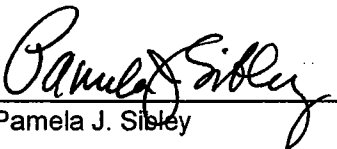
2,133,708.52
67,160.07

Void Checks:

GRAND TOTAL

2,200,868.59

Respectfully submitted,


Pamela J. Sibley

Council Warrants 02/15/05

BILLS #4-B
02/15/05

CITY OF ALAMEDA

Memorandum

DATE: February 7, 2005

TO: Honorable Mayor and Councilmembers

FROM: William C. Norton
Interim City Manager

RE: Quarterly Sales Tax Report for the Period Ending September 30, 2004 for
Sales Transactions in the Second Calendar Quarter of 2004

BACKGROUND

This sales tax report and the accompanying charts relate to sales tax receipts for the period ending September 30, 2004 and are sales transactions occurring April – June, 2004 (second calendar quarter).

DISCUSSION/ANALYSIS

Quarterly sales tax revenues increased by 5.4% compared to the same quarter of the prior year after adjusting one-time payments. Transportation, as an economic segment contributed 32.75% in the second quarter of 2004, up from 30.61% for the same quarter in 2003. The transportation category includes auto sales, new, used and miscellaneous vehicle sales, auto parts and repairs, and service stations.

A comparison of the major business groups is as follows:

Percent		2 nd Quarter 2004	Percent	2 nd Quarter 2003	Percent
Change	Economic Category	Total	of Total	Total	of Total
12.8%	Transportation	\$444,879	32.75%	\$ 394,446	30.61%
-2.2%	General Retail	284,917	20.98%	291,264	22.61%
1.5%	Food Products	302,763	22.29%	298,235	23.15%
14.6%	Business to Business	258,947	19.06%	226,025	17.54%
16.3%	Construction	56,363	4.15%	48,478	3.76%
-65.2%	Miscellaneous	10,434	.77%	29,976	2.33%
5.4%	Total	\$1,358,303	100.00%	\$1,288,424	100.00%

All categories showed solid increases except for a significant decrease in the Miscellaneous category and a small drop in the General Retail category. The Miscellaneous category represents less than one percent of the total sales tax revenues. These trends follow the general trend in the Bay Area, which showed a 6.9% increase overall.

The following table shows a breakdown of sales by Alameda's geographic sectors. The Marina Village Business Park and Ballena sectors showed the greatest positive gain in sales over the same quarter of the prior year.

Percent Change	Geographic Areas	Current Year		Prior Year	
		2nd Qtr 2004 Total	Percent of Total	2nd Qtr 2003 Total	Percent of Total
5.2%	Park - North of Lincoln	\$ 321,267	23.65%	\$ 305,357	23.70%
-1.4%	South Shore Center	253,450	18.66%	256,958	19.94%
-2.5%	Park - South of Lincoln	146,093	10.76%	149,887	11.63%
6.9%	Webster-North of Lincoln	75,387	5.55%	70,526	5.48%
-6.9%	Neighborhood Commercial Districts	64,319	4.74%	69,091	5.36%
-5.21%	North Waterfront	57,336	4.22%	60,445	4.69%
71.2%	Marina Village Business Park	134,927	9.93%	78,810	6.13%
-3.6%	Harbor Bay Landing	54,069	3.98%	56,103	4.35%
40.6%	Balance of City	63,990	4.71%	45,498	3.53%
-3.5%	Harbor Bay Business Park	40,661	2.99%	42,134	3.27%
-11.4%	Marina Village Shopping Center	34,504	2.54%	38,960	3.03%
-9.3%	Alameda Point	35,335	2.61%	38,946	3.02%
-18.4%	Mariner Square	19,994	1.47%	24,506	1.90%
-3.7%	Webster – South of Lincoln	27,944	2.06%	29,014	2.25%
3.5%	Fernside Center	13,050	0.96%	12,606	0.98%
66.8%	Ballena	15,950	1.17%	9,563	0.74%
0.00%	Heritage Bay	23	0.00%	23	0.00%
5.4%	TOTAL - QUARTER	\$1,358,299	100.00%	\$ 1,288,427	100.00%

The top 25 sales tax generators contributed 47.9% of the total sales tax revenue.

A three-year comparison by economic categories as compared to the same reporting period is as follows:

Percent			Percent		Percent	
Change	Economic Category	2004	of Total	2003	of Total	2002
2.8%	Transportation	\$1,584,097	30.70%	\$1,540,590	10.4%	1,559,277
-1.4%	General Retail	1,172,548	22.73%	1,189,413	23.0%	1,273,973
6.0%	Food Products	1,214,461	23.54%	1,145,600	22.1%	1,125,426
-10.8%	Business to Business	938,980	18.21%	1,053,042	20.3%	1,009,626
10.2%	Construction	208,244	4.04%	289,031	5.6%	205,692
-34.4%	Miscellaneous	40,413	.78%	61,659	1.2%	35,878
-0.4%	TOTAL - QUARTER	\$5,158,653	100.00%	\$5,178,245	100.00%	\$5,209,872

As can be seen above the annual change from 2003 to 2004 is a decrease of only 0.4%. However, the 2-year change is a decrease of 1%. These statistics are based on cash payments and do not reflect any year-end accruals of local sales tax allocations.

BUDGET/FISCAL IMPACT

Our sales tax projections for 2004-05 have already taken into consideration these declining trends. We continue to monitor this revenue source closely.

RECOMMENDATION

This is provided for informational purposes only.

Respectfully submitted,

William C. Norton
Interim City Manager


Juelle-Ann Boyer
Chief Financial Officer

JAB:dl

cc: Robb Ratto, PSBA

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CITY OF ALAMEDA

MEMORANDUM

Date: January 24, 2005

To: Honorable Mayor and
Councilmembers

From: William C. Norton
Interim City Manager

Re: Resolution Appointing an Engineer and an Attorney for Island City Landscaping and
Lighting District 84-2

BACKGROUND

On June 7, 1984, City Council established the Island City Landscaping and Lighting District 84-2. The purpose of this assessment district is to provide enhanced maintenance in certain business or neighborhood districts throughout the City.

DISCUSSION/ANALYSIS

There are currently seven zones in the assessment district. District Maps are also attached.

- Zone 1: Lincoln Avenue between Sherman Street and St. Charles Street.
- Zone 2: Webster Street between Central Avenue and Lincoln Avenue.
- Zone 3: Webster Street between Lincoln Avenue and Ralph Appezzato Memorial Parkway.
- Zone 4: Park Street between Blanding Avenue and San Jose Avenue, and Santa Clara Avenue and Central Avenue between Oak Street and Broadway.
- Zone 5: Harbor Bay Parkway between Doolittle Drive and the west end of roadway, including North Loop Road and South Loop Road.
- Zone 6: Alameda Marina Village
- Zone 7: Bay Street between San Antonio Avenue and the Lagoon.

It is necessary to appoint an Engineer-of-Work for preparation of the assessment diagram and the assessment amount, by parcel, within the zones of the assessment district. It is also necessary to appoint an attorney to perform the legal services required in the conduct of these proceedings.

Past practice has been to use the services of the City Engineer and City Attorney. As it has worked well for us in the past, it is proposed to again appoint the City Engineer, as the Engineer-of-Work and also the City Attorney, as attorney for the District. It would be advantageous to the City to once again avail themselves of their services.

Dedicated to Excellence, Committed to Service

BUDGET CONSIDERATION/FINANCIAL IMPACT

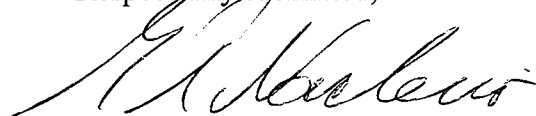
The fees associated with this work are payable by the Assessment District, and apportioned to each zone, based on the individual zones' percentage of the total Assessment District budget.

Only the direct costs for services are charged to the Assessment District. It is recommended, therefore, that a contingency budget for this work be set at \$2,000 for attorney fees and \$8,600 for the engineering, advertising and mailing fees for a total of \$10,600.

RECOMMENDATION

The Interim City Manager recommends that the City Council, by motion, adopt a resolution appointing an engineer and an attorney for Island City Landscaping and Lighting District 84-2.

Respectfully submitted,



Matthew T. Naclerio
Public Works Director



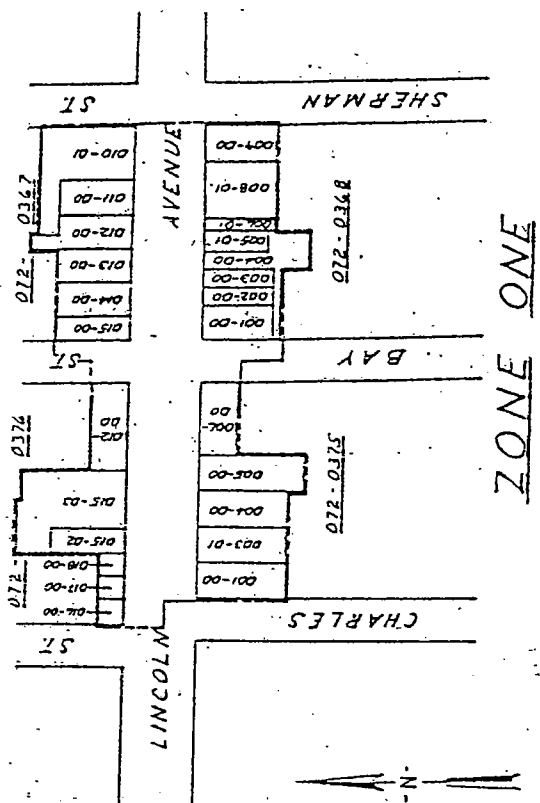
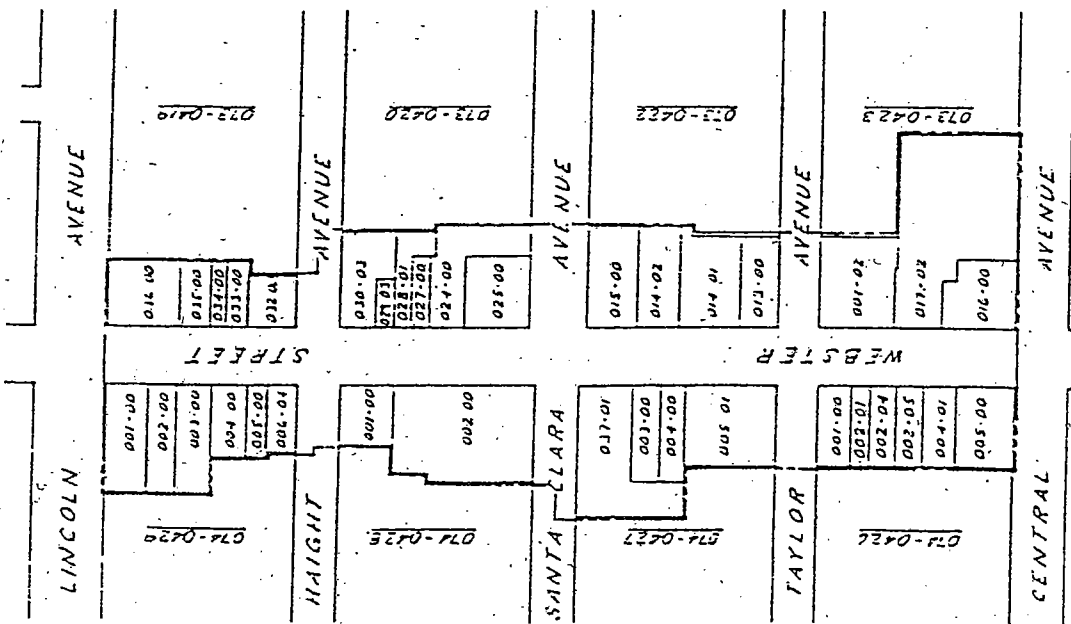
By: Margaret McLean
Acting Public Works Coordinator

MTN:MM:gc

Attachment

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ZONE TWO

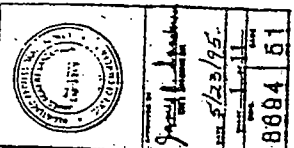


SPECIFICATIONS

ZONE NO.	LIMIT OF WORK	DESCRIPTION OF WORK
1	LINCOLN (ST CHARLES TO SHERMAN)	TREE MAINTENANCE SHRUB MAINTENANCE REPAIR CONTAINER MAINTENANCE
2	HEDDIER (CENTRAL TO LINCOLN)	TREE MAINTENANCE SHRUB MAINTENANCE REPAIR CONTAINER MAINTENANCE
3	WEBSTER (LINCOLN TO ATLANTIC)	TREE MAINTENANCE SHRUB MAINTENANCE REPAIR CONTAINER MAINTENANCE
4	CLAY ST. (CLAY JOE TO CLAY ST.) LINCOLN (CLAY TO LINCOLN) SANTA CLARA (CLAY TO LINCOLN) CENTRAL (CLAY TO LINCOLN)	TREE MAINTENANCE SHRUB MAINTENANCE REPAIR CONTAINER MAINTENANCE

LEGEND

- 012-0125 INDICATES ASSESSOR'S BOOK / PAGE NO.
 - 015-01 INDICATES ASSESSOR'S PARCEL NO.
 - INDICATES DISTRICT / ZONE BOUNDARY
- FOR A DETAILED DESCRIPTION OF THE LINES AND DIMENSIONS OF ANY LOT OR PARCEL SHOWN HEREON, REFER TO THE ASSESSOR'S MAPS OF ALAMEDA COUNTY.



CITY OF ALAMEDA ENGINEERING DEPARTMENT		DATE 5/23/95	BY [Signature]
DIAGRAM OF ISLAND CITY LANDSCAPING A LIGHTING DISTRICT		8884 51	
REFERENCE	BENCH MARK		

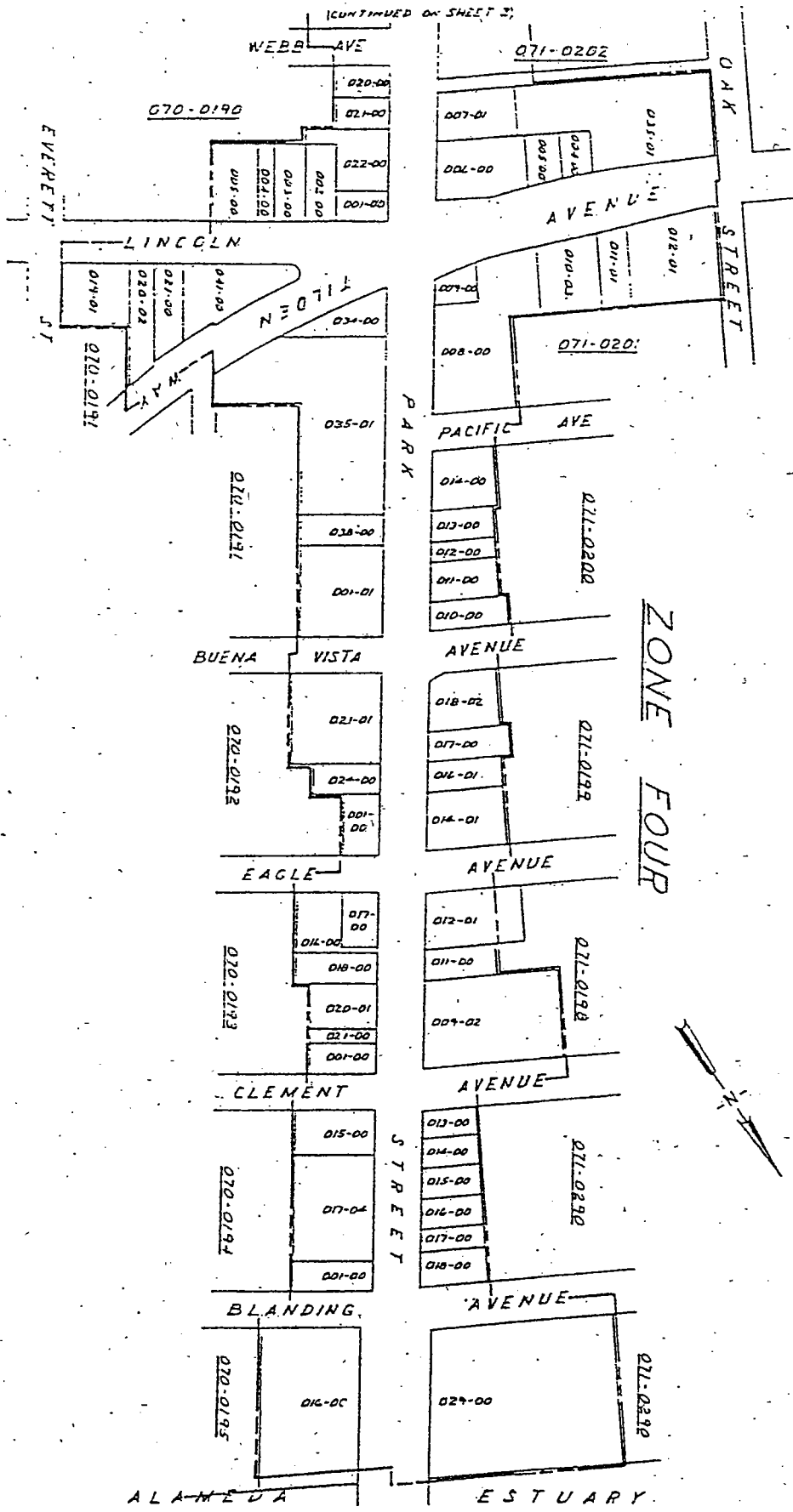


Diane Falseth, City Clerk

Diane Felsch, City Clerk

Donahy M. Perkins
Auditor of the County of
Alameda, California

(CONTINUED ON SHEET 2)

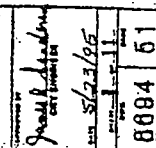


ZONE FOUR



BASIC DATA	
REFERENCES	
CITY OF ALAMEDA	
ENGINEERING DEPARTMENT	
DIAGRAM OF	
ISLAND CITY LANDSCAPING	
A LIGHTING DISTRICT 84-2	
DATE: 11/11/84	
BY: J. J. J. J.	
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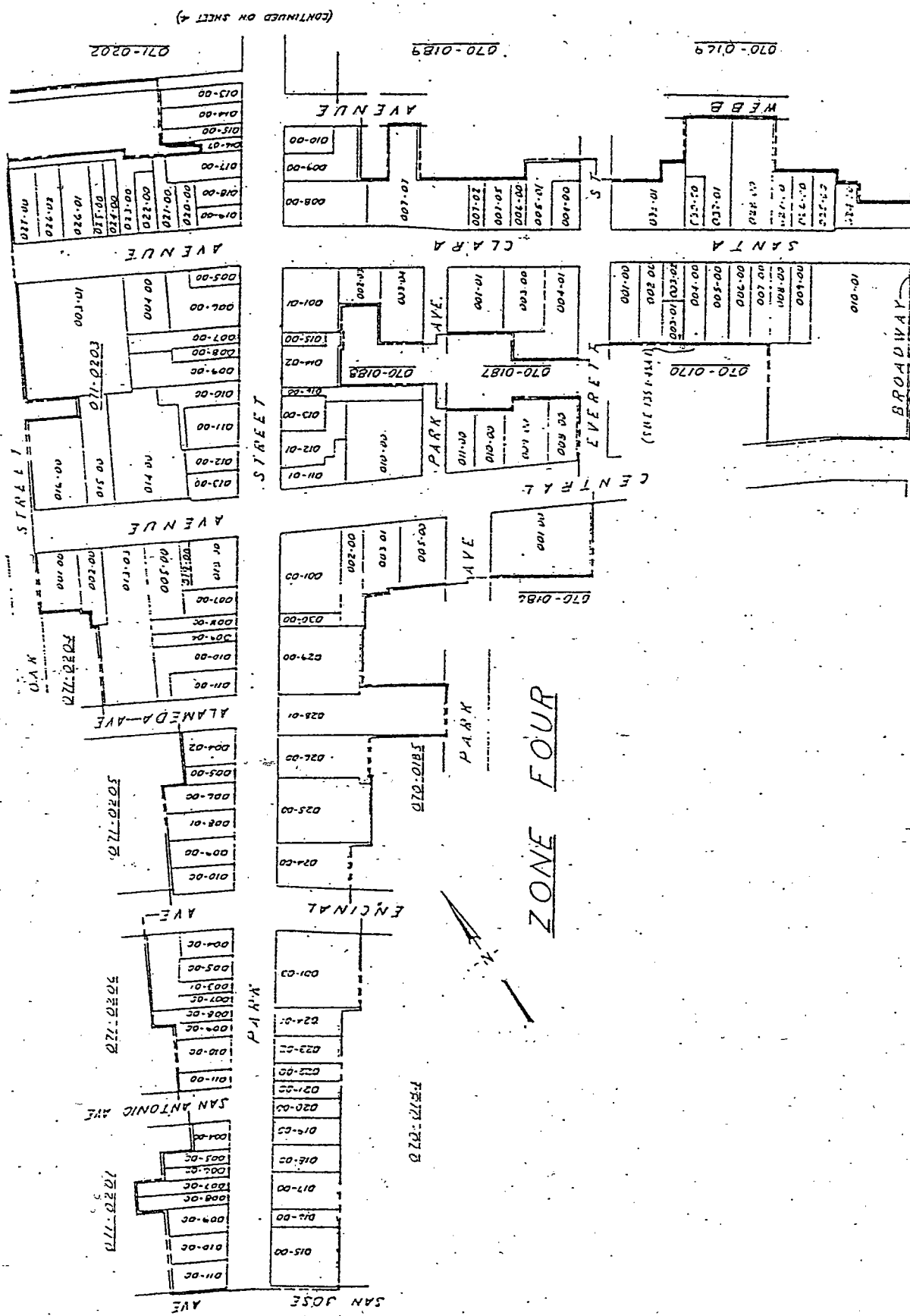




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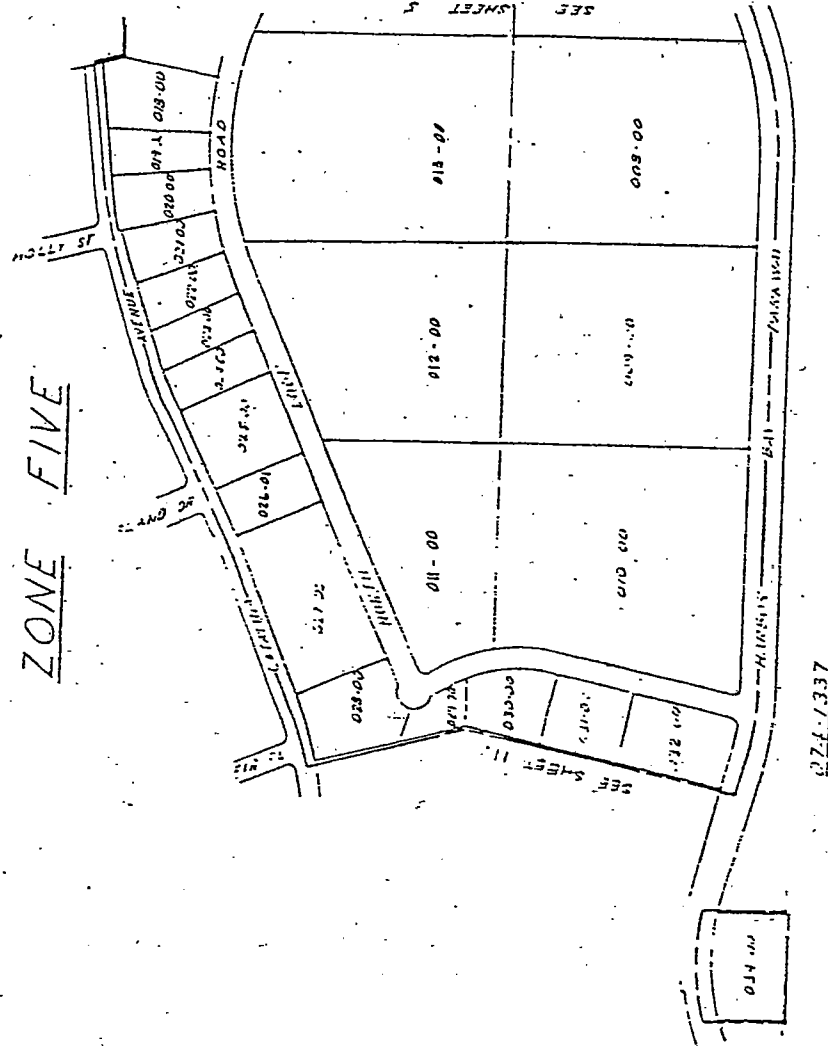
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ZONE FOUR





ZONE FIVE



CITY OF ALAMEDA	
ENGINEERING DEPARTMENT	
DIAGRAM OF	
ISLAND CITY LANDGRAPING	
A LIGHTING DISTRICT #4-3	
DATE	12/23/95
BY	8884
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REVISIONS	REFERENCE
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274-1337

HARBOR DAY PARKWAY

057-00

074 - 1040



CITY OF ALAMEDA
TREASURY DIVISION

ENGINEERING DEPARTMENT
DIAGRAM 07

IRLAND CITY LANDGRADING

CIVIL DISOBEDIENCE

REFERENCE

MYNCH HAN

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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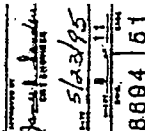
SEARCHED BY
JANET LINDSON
DATE INDEXING DAY

5/23/95

INDEXED BY
JANET LINDSON
DATE INDEXING DAY

8804 51

8884 51

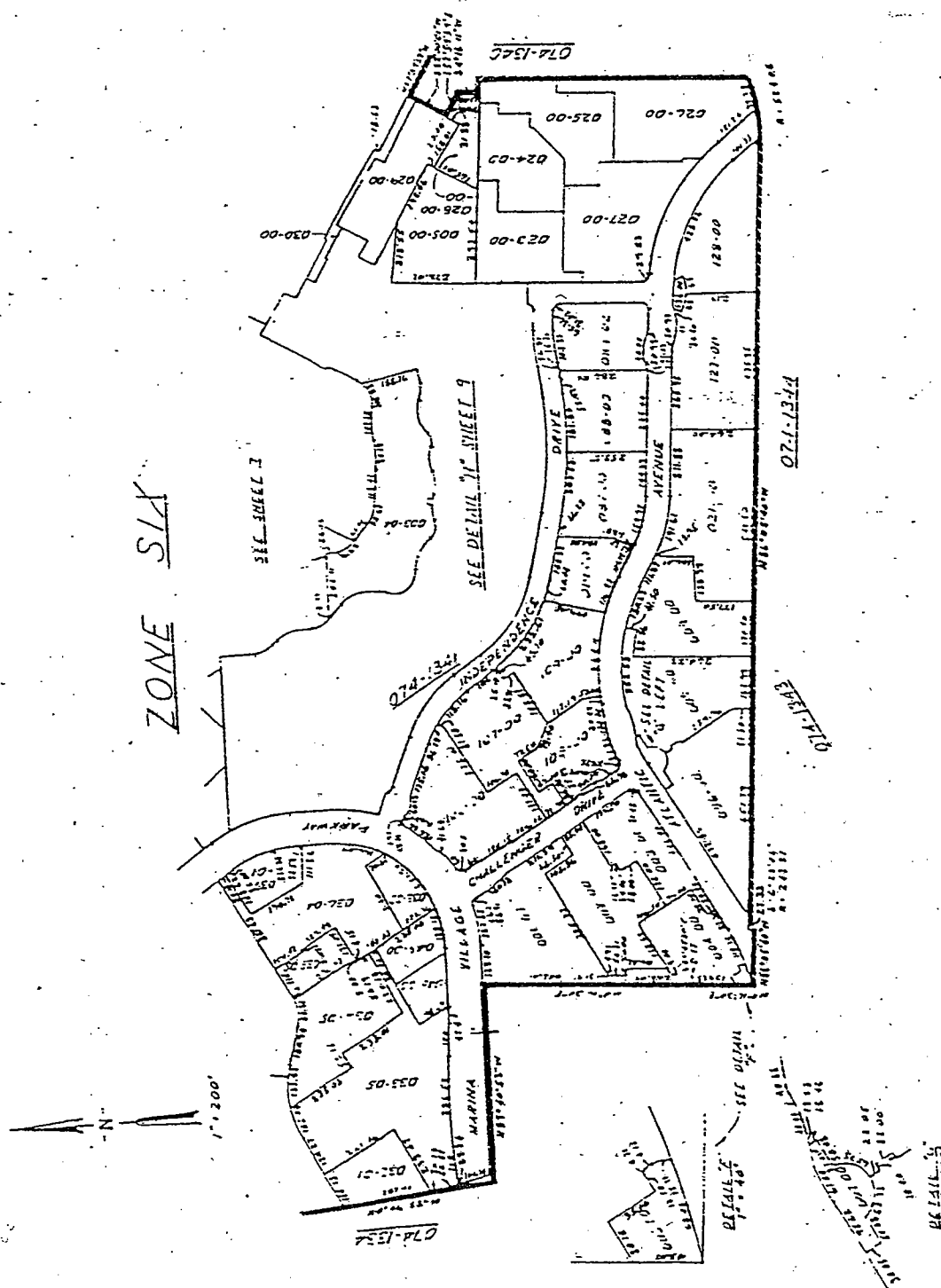


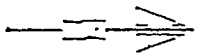
CITY OF ALAMEDA
CALIFORNIA
ENGINEERING DEPARTMENT

DIAGRAM OF
ISLAND CITY LANDSCAPING
A LIGHTING DISTRICT 04-2

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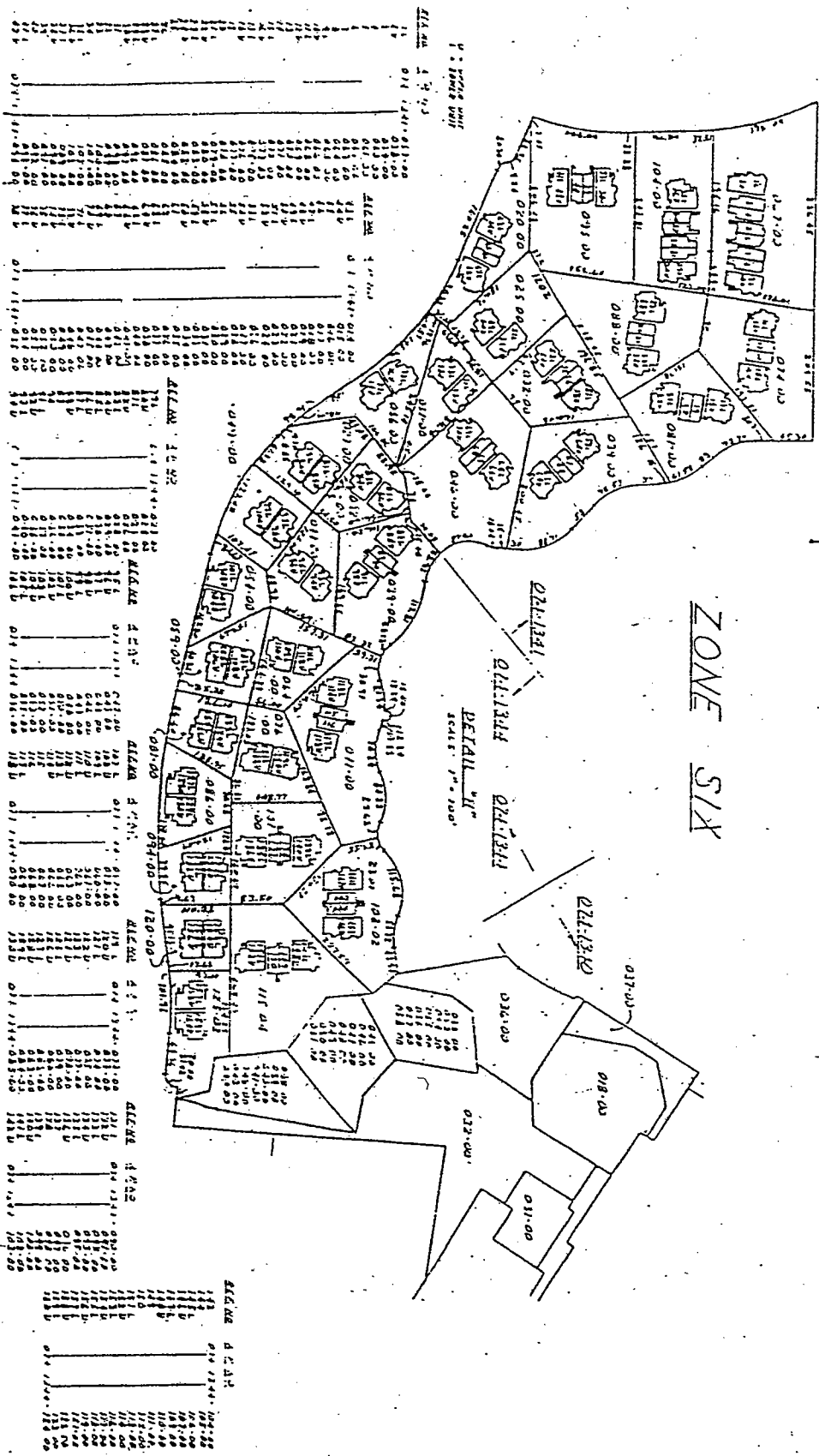
3.804 | 51





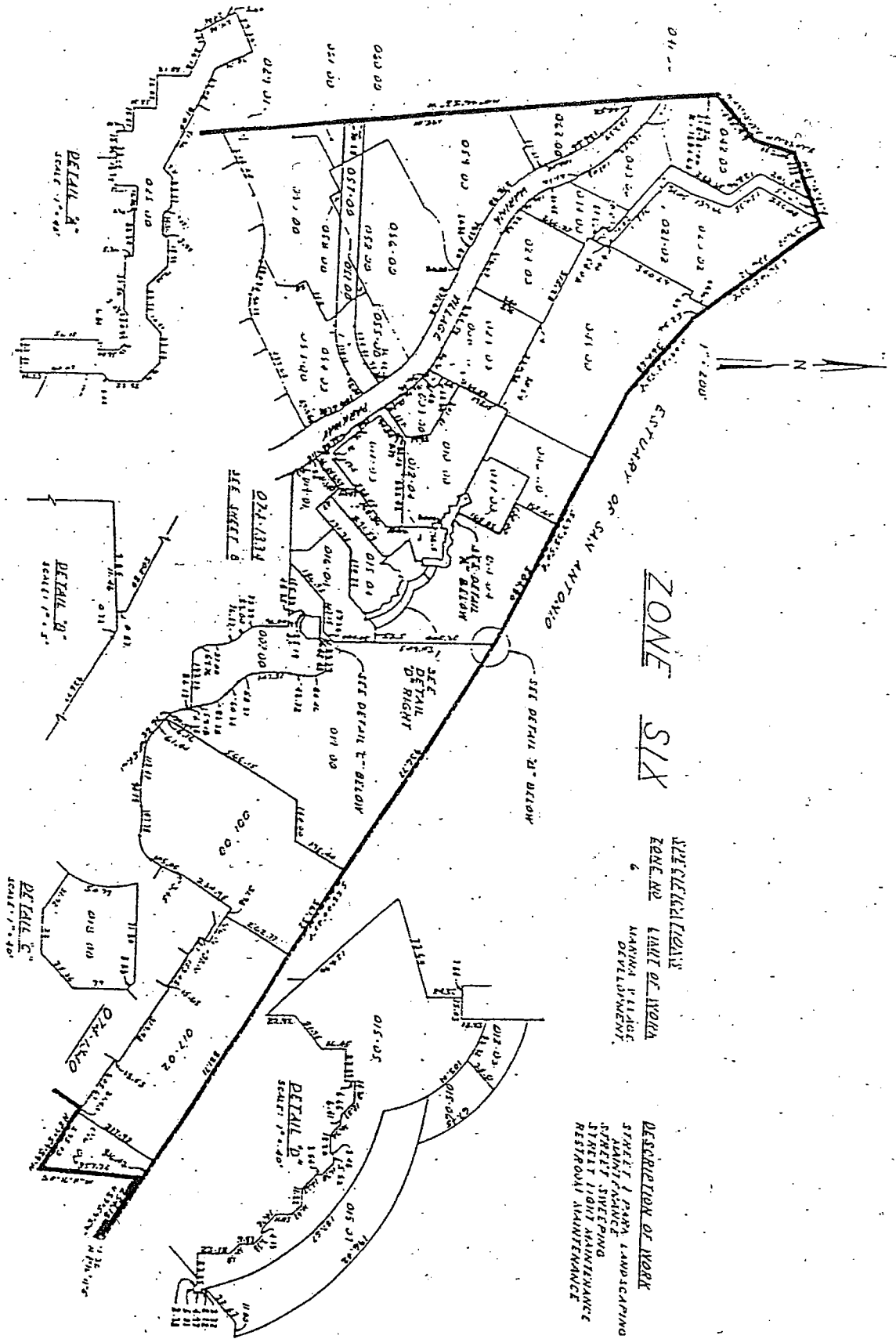
ZONE SIX

DETAIL "H"
SCALE: 1"=100'



PROJECT NAME		REFERENCE	
CITY OF ALAMEDA		ENGINEERING DEPARTMENT	
5/23/95		DIAGRAM OF	
LAND CITY LANDSCAPING		LIGHTING DISTRICT 44-3	
8894 61			





ZONE SIX

NEIGHBORHOOD
ZONE NO. 6
MARINA PLAZA
DEVELOPMENT

DESCRIPTION OF WORK
STREET & PARK LANDSCAPING
MAINTENANCE
STREET SWEEPING
STREET LIGHT MAINTENANCE
RESTROOM MAINTENANCE

BENCH MARK		REFERENCE	
CITY OF ALAMEDA		ENGINEERING DEPARTMENT	
DIAGRAM OF		ISLAND CITY LANDSCAPING	
LIGHTING DISTRICT 84-2		5/23/95	
8884		61	



CITY OF ALAMEDA RESOLUTION NO. _____

APPOINTING AN ENGINEER AND AN ATTORNEY FOR ISLAND CITY
LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT 84-2

WHEREAS, on June 7, 1984, by Resolution No. 10353, the Council of the City of Alameda ordered the formation of and levied the first assessment within the Island City Landscaping and Lighting District 84-2 (hereinafter the "District") pursuant to the provisions of the Landscaping and Lighting Act of 1972 Highways Code (hereinafter the "Act"); and

WHEREAS, Sections 22620, et seq., of the Act provide for the levy of annual maintenance assessments after formation of the District; and

WHEREAS, the purpose of said assessments is to provide for enhanced maintenance in business district Zones 1 through 6 and residential Zone 7 located throughout the City and described in proceedings in and for said District heretofore approved by this Council and herein incorporated by this reference; and

WHEREAS, the public interest and convenience will be served by appointing an Engineer and an Attorney for assessment and legal services; and

WHEREAS, it would be advantageous to the City to continue with the services of the City Engineer as the Engineer-of-work and the City Attorney as the Attorney for said District;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Alameda that the City Engineer for the City of Alameda is hereby appointed as Engineer for preparation of the assessment diagram and the assessment amount by parcel within the zones of the Island City Landscaping and Lighting District 84-2; and

BE IT FURTHER RESOLVED that the City Attorney for the City of Alameda is hereby appointed as Attorney to perform the legal services required in the conduct of said proceedings.

* * * * *

Resolution # 4-D CC
2-15-05

Approved as to Form

CITY ATTORNEY

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in regular meeting assembled on the 15th day of February 2005, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 15th day of February 2005.

Lara Weisiger, City Clerk
City of Alameda

CITY OF ALAMEDA

MEMORANDUM

Date: January 24, 2005

To: Honorable Mayor and
Councilmembers

From: William C. Norton
Interim City Manager

Re: Resolution Appointing an Engineer and an Attorney for Maintenance Assessment District
01-1 (Marina Cove)

BACKGROUND

On June 7, 2002, City Council established Maintenance Assessment District 01-1. The purpose of this assessment district is to provide maintenance in the Marina Cove Development.

DISCUSSION/ANALYSIS

It is necessary to appoint an Engineer-of-Work for annual preparation of the assessment diagram and the assessment amount, by parcel, for the Maintenance Assessment District. It is also necessary to appoint an Attorney-of-Record to perform the legal services required in the conduct of these annual proceedings.

Past practice has been to use the services of the City Engineer and City Attorney. As it has worked well for us in the past, it is proposed to again appoint the City Engineer, as the Engineer-of-Work and the City Attorney, as the Attorney-of-Record for the District. It would be advantageous to the City to once again avail themselves of their services.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The fees associated with this work are payable by the Assessment District, and apportioned to each zone, based on the individual zones' percentage of the total Assessment District budget.

Only the direct costs for services are charged to the Maintenance Assessment District. It is recommended, therefore, that a contingency budget for this work be established at \$2,000 for attorney fees and \$1,600 for the engineering, advertising and mailing fees for a total of \$3,600.

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RECOMMENDATION

The Interim City Manager recommends that the City Council, by motion, adopt a resolution appointing an Engineer-of-Work and an Attorney-of-Record for Maintenance Assessment District 01-01, Marina Cove.

Respectfully submitted,



Matthew T. Naclerio
Public Works Director



By: Margaret McLean
Acting Public Works Coordinator

MTN:MAM:gc

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CITY OF ALAMEDA RESOLUTION NO. _____

APPOINTING AN ENGINEER AND AN ATTORNEY FOR CITY OF
ALAMEDA MAINTENANCE DISTRICT 01-1, (MARINA COVE)

WHEREAS, by its previous proceedings, the Council of the City of Alameda determined to undertake the formation of the first maintenance assessment district within the City of Alameda Maintenance Assessment District 01-1 (hereinafter the "District") pursuant to the provisions of Chapter 3, Article V of the Alameda Municipal Code (the City of Alameda Maintenance Procedure Code) (hereinafter the "Code"), which also incorporates the procedural requirements of the Landscape and Lighting Act of 1972 (hereinafter the "Act"); and

WHEREAS, the formation of a Maintenance Assessment District, Sections 22620, et seq., of the Code provide for the levy of annual maintenance assessments after formation of the District; and

WHEREAS, the purpose of said assessments is to provide for enhanced maintenance in the district established via the Code located throughout the City and described in proceedings in and for said District heretofore approved by this Council and herein incorporated by this reference; and

WHEREAS, the public interest and convenience will be served by appointing an Engineer and an Attorney for assessment and legal services; and

WHEREAS, it would be advantageous to the City to continue with the services of the City Engineer as the Engineer-of-Work and the City Attorney as the Attorney for said District;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Alameda that the City Engineer for the City of Alameda is hereby appointed as Engineer for preparation of the assessment diagram and the assessment amount by parcel within the zones of the City of Alameda Maintenance Assessment District 01-1; and

BE IT FURTHER RESOLVED that the City Attorney for the City of Alameda is hereby appointed as Attorney to perform the legal services required in the conduct of said proceedings.

* * * * *

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in regular meeting assembled on the 15th day of February 2005, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 15th day of February 2005.

Lara Weisiger, City Clerk
City of Alameda

CITY OF ALAMEDA

Memorandum

TO: Honorable Mayor and Councilmembers

FROM: William C. Norton
Interim City Manager

Date: February 15, 2005

RE: Resolution amending the International Brotherhood of Electrical Workers (IBEW) Salary Schedule by establishing a salary range for the position of Inventory Control Clerk

BACKGROUND

The Memorandum of Understanding for the International Brotherhood of Electrical Workers (IBEW) was adopted in 1999 and covers the period January 1, 2000 through December 31, 2004.

The resolution establishes the hourly salary range of a new classification on the IBEW salary schedule.

DISCUSSION

On January 18, 2005, the Public Utilities Board adopted a resolution for Alameda Power & Telecom to establish an Inventory Control Clerk position in the Administrative Services Division. This position will establish a check and balance relationship between procurement and warehouse personnel, and analyze and recommend reorder levels of stocked inventory based on usage that will, in turn, improve the performance of inventory dollars. This inventory control and management function requires an appropriate classification of worker that currently does not exist. This recommendation does not require any addition to headcount.

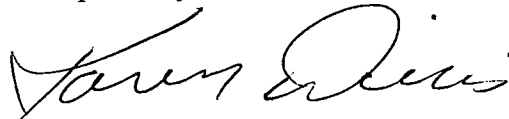
BUDGET CONSIDERATION/FINANCIAL IMPACT

The Alameda Power & Telecom Enterprise Fund will pay the funds required to cover the recommended salary range. There is no financial impact to the General Fund.

RECOMMENDATION

The Interim City Manager recommends that the City Council, by motion, approve the amendment to the IBEW salary schedule.

Respectfully submitted,



Karen Willis
Human Resources Director

CITY OF ALAMEDA RESOLUTION NO. _____

Approved as to Form

CITY ATTORNEY

AMENDING THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS (IBEW) SALARY SCHEDULE BY ESTABLISHING A SALARY RANGE FOR THE POSITION OF INVENTORY CONTROL CLERK

BE IT RESOLVED by the Council of the City of Alameda that the salary resolution of International Brotherhood of Electrical Workers (IBEW) is hereby amended by establishing the salary rate, salary range, salary steps and benefits for the position of Inventory Control Clerk designating those as applicable to the classification in the service of the City of Alameda.

CITY OF ALAMEDA
INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS
Effective February 20, 2005

Code	Classification <i>NON-EXEMPT</i>	HOURLY				
		Step 1	Step 2	Step 3	Step 4	Step 5
7135	Inventory Control Clerk	\$23.55	\$24.73	\$25.97	\$27.27	\$28.63

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the _____ day of _____, 2005, by the following vote to wit:

AYES

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this _____ day of _____, 2005.

Lara Weisiger, City Clerk
City of Alameda

Resolution # 4-F CC
2-15-05

CITY OF ALAMEDA RESOLUTION NO. _____

APPOINTING DENNIS J. HANNA AS A MEMBER OF THE
SOCIAL SERVICE HUMAN RELATIONS BOARD

BE IT RESOLVED by the Council of the City of Alameda that pursuant to the provisions of Article X of the Charter of the City of Alameda, and upon nomination by the Mayor, DENNIS J. HANNA is hereby appointed to the office of member of the Social Service Human Relations Board of the City of Alameda, to fill the unexpired term of Steen Currie, commencing February 15, 2005 and expiring on June 30, 2007, and to serve until his successor is appointed and qualified.

* * * * *

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in adjourned regular meeting assembled on the 15th day of February, 2005, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 16th day of February, 2005.

Lara Weisiger, City Clerk
City of Alameda

**Resolution # 5-A
2-15-05**

Approved as to Form
CITY ATTORNEY

City of Alameda

Inter-department Memorandum

February 8, 2005

To: Honorable Mayor and
Councilmembers

From: William C. Norton
Interim City Manager

Re: Introduction of Ordinance Amending the Alameda Municipal Code to Increase
the Composition of the Golf Commission From Five to Seven Members

BACKGROUND

Alameda's City Council created a seven member Golf Commission in 1925 to oversee the development and operation of the new golf course on Bay Farm Island. The Commission was composed of the City Manager, a Councilmember, and five members at large. The Commission was reorganized in 1932 as a seven (7) member citizen's board appointed by the City Manager. In 1967, the Golf Commission was merged with the Recreation Commission, which grew from five to seven members. In 1973, former Mayor Chuck Corica introduced an ordinance reinstating the Golf Commission. The new seven member board contained five appointees and two ex-officio members from the Council. The ordinance was revised in 1983 to remove the ex-officio members. Since then, the Golf Commission has been comprised of five citizen board members.

DISCUSSION

The Golf Commission is made up of five members appointed to overlapping terms of four years. The Commission was established to advise City Council on matters of operational policy, to ensure the promotion and successful management of the Golf Complex. In recent years there has been a dramatic increase in daily fee, public golf courses in the San Francisco Bay Area with no significant increase in golf demand. This has created a very competitive golf market. In order to gain a competitive edge on the golf market it would be helpful to increase the golf commission from five to a seven member board. The additional members can use their expertise to help promote regular and tournament golf play, prioritize golf course improvement projects (Clubhouse) and make certain the successful operation of the Golf Complex. In addition to amending the Municipal Code to increase the number of members from five to seven, the votes required to take an action would be increased from three votes to four.

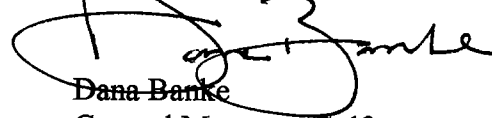
BUDGET CONSIDERATION/FINACIAL ANALYSIS

Any increase (nominal) in cost for the additional Golf Commissioners will be absorbed in the current golf administration budget. The funding for these costs will come from the Golf Course Enterprise Fund.

RECOMMENDATION

The Interim City Manager recommends that City Council introduce an Ordinance Amending the Municipal Code to Increase the Composition of the Golf Commission from Five to Seven Members.

Respectfully submitted,



Dana Banke
General Manager, Golf

DVB

xc: Golf Commission

CITY OF ALAMEDA ORDINANCE NO. _____
New Series

AMENDING THE ALAMEDA MUNICIPAL CODE TO INCREASE THE COMPOSITION OF THE GOLF COMMISSION FROM FIVE TO SEVEN MEMBERS BY AMENDING SUBSECTIONS 2-9.1 (COMMISSION CREATED; COMPOSITION), 2-9.2 (MEMBERSHIP; APPOINTMENT; REMOVAL) AND 2-9.3 (VOTING) OF SECTION 2-9 (CITY GOLF COMMISSION)

Approved as to Form

CITY ATTORNEY

BE IT ORDAINED by the City Council of the City of Alameda that:

Section 1. Subsection 2-9.1 of the Alameda Municipal Code is hereby amended to read as follows:

2-9.1 Commission Created: Composition.

There is hereby established a Commission which shall be known as the Golf Commission of the City of Alameda, which shall consist of seven (7) members. Members shall at the time of their appointment and continuously during incumbency be electors of the City.

Section 2. Subsection 2-9.2 of the Alameda Municipal Code is hereby amended to read as follows:

2-9.2 Membership; Appointment; Removal.

The seven (7) members of the Commission shall upon nomination of the Mayor, be appointed by the City Council. The terms of such members shall be for four (4) years and thereafter until the successor of such member is appointed and qualified, and all terms shall begin on October 1. A vacancy in the office of any such member shall be filled for the unexpired term of appointment in the manner hereinabove set forth. A member may be removed by the affirmative vote of four (4) members of the City Council.

Section 3. Subsection 2-9.3 of the Alameda Municipal Code is hereby amended to read as follows:

2-9.2 Voting.

The votes of four (4) members of the Commission shall be necessary for any action thereof.

Section 4. Effective Date. This Ordinance shall be in full force and effect from and after the expiration of thirty (30) days from the date of its final passage.

* * * * *

I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by Council of the City of Alameda in regular meeting assembled on the _____ day of _____, 2005, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this _____ day of _____, 2005.

Lara Weisiger, City Clerk
City of Alameda

CITY OF ALAMEDA

MEMORANDUM

Date: January 19, 2005

To: Honorable Mayor and
Members of the City Council

From: William C. Norton
Interim City Manager



Re: Recommendation to: 1) Award Contract in the Amount of \$2,110,000, including contingencies, to Ghilotti Brothers, Inc., for the Park Street Streetscape and Town Center Project Phase One (P.W. 10-02-13; and 2) Authorize the Allocation of Additional Funds from the Merged Areas Bond Issuance of 2003.

BACKGROUND

On November 16, 2004, the City Council adopted plans and specifications and authorized a call for bids for the Park Street Streetscape and Town Center Project, No. P.W. 10-02-13. This first phase of a multi-phase project will provide for streetscape improvements along Park Street from just north of Central Avenue to Webb Avenue, with utility joint trench work occurring from Lincoln Avenue to Central Avenue. Streetscape improvements include construction of at-grade curb extensions for transit plazas and corner extensions to promote pedestrian safety. Existing curb extensions on Park Street will be recast to create perfectly horizontal surfaces. Irrigated planter areas will also be installed as well as street furniture such as benches, trash receptacles, and bike racks. Double-headed Victorian streetlights, similar to those once used on Park Street, with advanced microwave-based lighting technology, will also be installed. Major pavement reconstruction at intersections and mid-block plazas will also be undertaken to assure proper drainage and acceptable cross-slopes. Six custom-designed bus shelters will also be installed within the project area. New, full-width sidewalks will be constructed only at the transit plazas and curb extensions. The Park Street Business Association is aware of this and supports this approach.

DISCUSSION/ANALYSIS

To solicit the maximum number of bids and the most competitive price, specifications were provided to 18 separate building exchanges throughout the Bay Area. Staff also contacted contractors that have provided good service to the City in the past and personally encouraged them to bid on the Park Street project. Thirteen (13) contractors were also sent a complimentary set of plans and specifications. In addition, a notice of bid was published in the *Alameda Journal*.

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Bids were opened on January 12, 2005. Four contractors submitted bids. The list of bidders from lowest to highest for total project cost is as follows:

Bidder	Location	Bid Amount
Ghilotti Brothers, Inc.	San Rafael	\$1,916,528.50
Ghilotti Construction	Santa Rosa	\$2,434,255.00
John Clay General Engineering	Hayward	\$2,484,116.00
Sposeto Engineering	Union City	\$2,605,094.00

The bid amount includes the following add alternates that the Interim City Manager recommends included in the award of contract:

- Geogrid – to be used in wet weather conditions,
- Protection of dig-out areas in wet weather conditions, and
- Holiday closure, as requested by PSBA, to ensure construction will not occur between November 14, 2005 and January 1, 2006.

In addition, there is a \$10,000 allowance for City Permits. The construction cost to complete the project is \$2,110,000, including a 10% contingency. The Engineer's estimate for the project was \$2 million. The contract is on file in the City Clerk's Office.

BUDGET CONSIDERATION/FINANCIAL ANALYSIS

The Park Street Streetscape Project was awarded by the Metropolitan Transportation Commission (MTC) in 2002. Since that time, many costs in the construction industry have risen. To offset those costs, the original project has been reduced in scope. Nonetheless, there is still a shortfall which could be made up through application of funds from the Merged Areas Bond Issuance of 2003. Applying funds from this source to the Park Street Streetscape & Town Center Project will not affect the City's ability to carry out other, major projects (such as the Theater and Parking Structure) which are also to be funded from the Merged Areas funds.

Revenues in Hand:

Available funding for the project (funded under CIP# 02-75) totals \$ 2,801,000:

- A \$921,000 grant from the Metropolitan Transportation Commission's (MTC) Transportation for Livable Communities Program,
- A \$500,000 match from the Community Improvement Commission (CIC) authorized by

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Resolution # 13515 dated August 7, 2002.

- \$380,000 from Alameda Power & Telecom for the under grounding of utilities
- \$1 Million 2003 Merged Area Bond

Cost:

Expenditures to date:	
• City staff	\$133,000
• CCS Engineering (developed construction documents)	270,000
• Survey work (Milani Corporation)	40,000
• Miscellaneous	3,000
Subtotal	\$446,000
Construction and construction-related:	
Contract (including AP&T & contingencies)	2,110,000
City-furnished items:	
• Streetlights	185,000
• Water Meters	60,000
• Testing	5,000
Subtotal	\$2,360,000
Estimated future costs:	
• Contract Administration (Harris & Associates)	75,000
• Project Engineer (Public Works)	35,000
• Inspection (Public Works)	60,000
Subtotal	\$170,000
Grand Total	<u>\$2,976,000</u>


Total Project Cost	\$2,976,000
Revenue on-hand	2,801,000
Total needed allocation	\$ 175,000

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RECOMMENDATION

The Interim City Manager recommends that the City Council, by motion: 1) award the contract in the amount of \$2,110,000, including contingencies, to Ghilotti Brothers, Inc. for the Park Street Streetscape and Town Center Project, No. P.W. 10-02-13; and 2) authorize the allocation of \$175,000 additional from the 2003 Merged Areas Bond.

Respectfully submitted,




Matthew T. Naclerio
Public Works Director

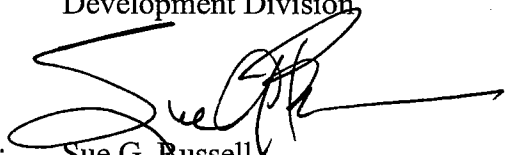
and



Leslie A. Little
Development Services Director

By: 
Wali Waziri
Associate Civil Engineer

by: 
Dorene E. Soto
Manager, Business
Development Division

by: 
Sue G. Russell
Management Analyst

WCN/MTN/LAL:rv

cc: Sally Kueh, Finance Dept.
Robb Ratto, Park Street Business Assn.

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**CITY OF ALAMEDA
MEMORANDUM**

Date: February 7, 2005

To: Honorable Mayor and
Councilmembers

From: William C. Norton
Interim City Manager

Re: Resolution Approving the form of and Authorizing the Execution and Delivery
of a Purchase and Sale Agreement and Related Documents with Respect to
the Sale of the Seller's Vehicle License Fee Receivable from the State; and
Directing and Authorizing Certain Other Actions in Connection Therewith

BACKGROUND

Vehicle license fees ("VLF") were historically assessed in the amount of 2% of a vehicle's depreciated market value for the privilege of operating a vehicle on California's public highways. Beginning in 1999, the VLF paid by vehicle owners was offset (or reduced) to the effective rate of 0.65%. In connection with the offset of the VLF, the Legislature authorized appropriations from the State General Fund to "backfill" the offset so that local governments, which receive all of the vehicle license fee revenues, would not experience any loss of revenues. The legislation that established the VLF offset program also provided that if there were insufficient State General Fund moneys to fully "backfill" the VLF offset, the percentage offset would be reduced proportionately (i.e., the license fee payable by drivers would be increased) to assure that local governments would not be disadvantaged.

In June 2003, the Director of Finance under the Davis Administration ordered the suspension of VLF offsets due to a determination that insufficient State General Fund moneys would be available for this purpose, and, beginning in October 2003, the VLF paid by vehicle owners were restored to the 2% level. However, Governor Schwarzenegger rescinded the offset suspension on November 17, 2003, and State offset payments to local governments resumed. Local governments received "backfill" payments totaling \$3.80 billion in FY 2002-03. "Backfill" payments totaling \$2.65 billion were paid to local governments in FY 2003-04. However, approximately \$1.2 billion was not received by local governments during the time period between the suspension of the VLF offsets and the implementation of higher fees. This amount is still owed them by the State (the "VLF Gap Repayments"). The City's share of the VLF Gap Repayment is \$1,270,770 (the "VLF Receivable").

DISCUSSION/ANALYSIS

As part of the 2004 Budget Act negotiations, an agreement was made between the State and local government officials (the "State-local agreement") under which the VLF rate will be permanently reduced from 2% to 0.65%. The State-local agreement also provides for the repayment by August 15, 2006 (Fiscal Year 2007) of the approximately \$1.2 billion VLF Gap Repayment. In order to protect local governments, the reduction in VLF revenue to cities and counties from this rate change will be replaced by an increase in the amount of property tax they receive. Under the State-local agreement, for FY 2004-05 and 2005-06 only, the replacement property tax that cities and counties receive has been reduced by \$700 million. Commencing in FY 2006-07, local governments will receive their full share of replacement property taxes and those replacement property taxes will now enjoy constitutional protection against transfers by the State due to the approval of Proposition 1A at the November 2004 election.

VLF Program: Authorized under SB 1096, the VLF Program was instituted by the California Statewide Communities Development Authority ("CSCDA") in 2004 to enable the City and other cities and counties to sell their respective VLF Receivables to CSCDA for an upfront fixed purchase price estimated to be 90.34% of the VLF Gap Repayments. CSCDA is planning to issue notes ("VLF Notes") and to use the note proceeds to purchase the VLF Receivables and pay financing costs. The actual purchase price of the VLF Receivables will depend on the total amount of VLF Receivables that cities and counties sell to CSCDA and on bond market conditions at the time the VLF Notes are priced. If the City sells its VLF Receivable under the VLF Program, CSCDA will pledge the City's VLF Receivable to secure the repayment of a corresponding portion of the VLF Notes. The City's sale of its VLF Receivable will be irrevocable. Bondholders will have no recourse to the City of Alameda if the State does not make the VLF Gap Repayment.

VLF Program Sponsor: CSCDA is a joint powers authority sponsored by the League of California Cities and the California State Association of Counties. The member agencies of CSCDA include approximately 230 cities and 54 counties throughout California, including the City of Alameda. As a joint powers authority, it has the ability to engage collectively in permitted activity of the members.

Benefits of Participation in the VLF Program:

The benefits to Alameda of participation in the VLF Program include:

- Immediate payment – the sale of the City's VLF Receivable is estimated to provide Alameda with approximately 90.34% of its VLF Receivable in early 2005. Half will be used as current year revenue and the remainder will be included as a pre-paid item for Fiscal Year 06 revenue.
- Level cash flow from the State over next two years – as explained above, in each of FY 2004-05 and 2005-06, cities and counties across the State will lose a total of \$700 million annually in property tax payments to the Educational Revenue Augmentation

Fund ("ERAF"), which benefits the State. Accordingly, the City is projected to lose approximately \$930,000 in each such fiscal year from the "Triple Flip" to the General Fund. This loss in property tax revenue in FY 2004-05 and 2005-06 will be followed by an increase in revenues in FY 2006-07 due to the payment by the State of the VLF Gap Repayment and due to the cessation of ERAF payments in that year. If the City sells its VLF Receivable through the VLF Program, it can use the sale proceeds to offset the loss of revenues due to its property tax contributions over the next two years and eliminate the spike in revenues in the third year, thereby creating a more level cash flow in each of the next three fiscal years.

- Mitigates impact of property tax in-lieu of VLF swap over next two years – beginning in FY 2004-05, the State will permanently eliminate the VLF backfill paid to the City and will replace it with an equal amount of property tax. While these actions are intended to cancel each other out, the City is now receiving these payments semi-annually as property taxes, rather than monthly as VLF backfill payments. This situation creates a potential cash flow problem, which could be temporarily alleviated by selling the VLF Receivable.
- Budgetary flexibility in FY 2004-05 and 2005-06 – the sale of the City's VLF Receivable would provide additional revenues in FY 2004-05, which can be applied to resolve budgetary challenges in FY 2004-05 and 2005-06.

Estimated Proceeds of the Sale of the City's VLF Receivable:

Upon delivery of the VLF Notes, CSCDA will make available to the City its fixed purchase price. This payment will equal the City's VLF Receivable amount less capitalized interest costs (to pay interest on the VLF Notes until maturity), credit enhancement fees and bond issuance costs. As discussed above, Alameda's VLF Receivable is \$1,270,770. The purchase price to be paid by CSCDA is estimated to be \$1,148,000 but cannot be determined with specificity until the total number of participants in the VLF Program is known and bond market conditions are taken into account at the time the VLF Notes are priced. There is a possibility that, if the State pays the VLF Receivable as scheduled on August 15, 2006, there will be some residual interest earnings on the funds prior to the maturity date of the VLF Notes, which amount, up to 1% of the VLF Receivable, would be refunded to the participants.

Document Summary:

The proposed VLF Receivables Sale Resolution:

- (1) authorizes the sale of the City of Alameda's VLF Receivable to CSCDA for a minimum sale price at least equal to \$1,148,000;
- (2) approves the form, and directs the execution and delivery, of the Purchase and Sale Agreement with CSCDA and related documents;

- (3) authorizes and directs any Authorized Officer (Acting City Manager, Assistant City Manager or Chief Financial Officer) to send, or to cause to be sent, an irrevocable written instruction required by statute to the State Controller notifying the State of the sale of the VLF Receivable and instructing the disbursement of the VLF Receivable to the VLF Bond Trustee;
- (4) approves the use of the VLF Receivables proceeds for general operating purposes;
- (5) appoints certain City of Alameda officers and officials as Authorized Officers for purposes of signing documents; and
- (6) authorizes miscellaneous related actions and makes certain ratifications, findings and determinations required by law.

The Purchase and Sale Agreement (copy on file with City Clerk):

- (1) An agreement between the City of Alameda and California Statewide Communities Development Authority (CSCDA);
- (2) Authorizes the sale to and the purchase by CSCDA of the City of Alameda's VLF Receivable
- (3) All necessary authorizations to implement the purposes of the resolution above.

FINANCIAL IMPACT

Approval of this resolution will increase revenues by approximately \$580,000 this and next fiscal years. Given the flat revenue growth Alameda has been experiencing any action that provides the cash now rather than later is advantageous.

RECOMMENDATION

The Interim City Manager recommends approval of the Resolution as presented.

Respectfully submitted

William C. Norton
Interim City Manager


By: Juelle-Ann Boyer
Chief Financial Officer

JAB:dl

CITY OF ALAMEDA RESOLUTION NO. _____

A RESOLUTION APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE AND SALE AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE SALE OF THE SELLER'S VEHICLE LICENSE FEE RECEIVABLE FROM THE STATE; AND DIRECTING AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH

WHEREAS, certain public agencies within the State of California (the "State") are entitled to receive certain payments payable by the State to each such local agency on or before August 15, 2006, in connection with vehicle license fees pursuant to Section 10754.11 of the California Revenue and Taxation Code ("VLF Gap Repayments");

WHEREAS, the City of Alameda (the "Seller") is entitled to and has determined to sell all right, title and interest of the Seller in and to the "VLF Receivable", as defined in Section 6585(i) of the California Government Code (the "VLF Receivable"), namely, the right to payment of moneys due or to become due to the Seller out of funds payable in connection with vehicle license fees to a local agency pursuant to Section 10754.11 of the California Revenue and Taxation Code;

WHEREAS, the California Statewide Communities Development Authority, a joint exercise of powers authority organized and existing under the laws of the State (the "Authority"), has been authorized pursuant to Section 6588(w) of the California Government Code to purchase the VLF Receivable;

WHEREAS, the Authority desires to purchase the VLF Receivable and the Seller desires to sell the VLF Receivable pursuant to a purchase and sale agreement by and between the Seller and the Authority in the form presented to this City Council (the "Sale Agreement") for the purposes set forth herein;

WHEREAS, in order to finance the purchase price of the VLF Receivable from the Seller and the purchase price of other VLF Receivables from other local agencies, the Authority will issue its taxable and tax-exempt notes (the "Notes") pursuant to Section 6590 of the California Government Code and an Indenture (the "Indenture"), by and between the Authority and Wells Fargo Bank, National Association, as trustee (the "Trustee"), which Notes will be payable solely from the proceeds of the VLF Receivable and such other VLF Receivables;

WHEREAS, the Seller acknowledges that the Authority will grant a security interest in the VLF Receivable to the Trustee and any credit enhancer to secure payment of the Notes; and

WHEREAS, a portion of the proceeds of the Notes will be used by the Authority to, among other things, pay the purchase price of the VLF Receivable;

Approved as to Form

Carol K. Leland
CITY ATTORNEY

WHEREAS, the Seller will use the proceeds received from the sale of the VLF Receivable for any lawful purpose as permitted under the applicable laws of the State;

NOW THEREFORE, the City Council of the City of Alameda hereby resolves as follows:

Section 1. All of the recitals set forth above are true and correct, and this City Council hereby so finds and determines.

Section 2. The Seller hereby authorizes the sale of the VLF Receivable to the Authority for a price no less than the Minimum Purchase Price set forth in Appendix A. The form of Sale Agreement presented to the City Council is hereby approved. An Authorized Officer (as set forth in Appendix A) is hereby authorized and directed to execute and deliver the Sale Agreement on behalf of the Seller, which shall be in substantially the form presented to this meeting, with such changes therein, deletions therefrom and additions thereto, as such Authorized Officer shall approve, which approval shall be conclusively evidenced by the execution and delivery of the Sale Agreement.

Section 3. Any Authorized Officer is hereby authorized and directed to send, or to cause to be sent, an irrevocable written instruction to the State Controller notifying the State of the sale of the VLF Receivable and instructing the disbursement pursuant to Section 6588.5(c) of California Government Code of the VLF Receivable to the Trustee, on behalf of the Authority.

Section 4. The Authorized Officers and such other Seller officers, as appropriate, are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents, including but not limited to one or more tax certificates, if required, appropriate escrow instructions relating to the delivery into escrow of executed documents prior to the closing of the Notes, and such other documents mentioned in the Sale Agreement or the Indenture, which any of them may deem necessary or desirable in order to implement the Sale Agreement and otherwise to carry out, give effect to and comply with the terms and intent of this Resolution; and all such actions heretofore taken by such officers are hereby ratified, confirmed and approved.

Section 5. All consents, approvals, notices, orders, requests and other actions permitted or required by any of the documents authorized by this Resolution, whether before or after the sale of the VLF Receivable or the issuance of the Notes, including without limitation any of the foregoing that may be necessary or desirable in connection with any default under or amendment of such documents, may be given or taken by an Authorized Officer without further authorization by this City Council, and each Authorized Officer is hereby authorized and directed to give any such consent, approval, notice, order or request, to execute any necessary or appropriate documents or amendments, and to take any such action that such Authorized Officer may deem necessary or desirable to further the purposes of this Resolution.

Section 6. The City Council acknowledges that, upon execution and delivery of the Sale Agreement, the Seller is contractually obligated to sell the VLF Receivable to the Authority pursuant to the Sale Agreement and the Seller shall not have any option to revoke its approval of the Sale Agreement or to determine not to perform its obligations thereunder.

Section 7. This Resolution shall take effect from and after its adoption and approval.

* * * * *

APPENDIX A

CITY OF ALAMEDA

Minimum Purchase Price: An amount equal to or greater than \$1,148,000.00 (the “Minimum Purchase Price”).

Authorized Officers: Acting City Manager
Assistant City Manager
Chief Financial Officer

any designee of any of them, as appointed in a written certificate of such Authorized Officer delivered to the Trustee.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the _____ day of _____, 2005, by the following vote to wit:

AYES

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this _____ day of _____, 2005.

Lara Weisiger, City Clerk
City of Alameda

**CITY OF ALAMEDA
MEMORANDUM**

Date: February 10, 2005

To: Honorable Mayor and
Councilmembers

From: William C. Norton
Interim City Manager

Re: Adjustments to Estimated Revenues and Appropriations as of
February 2005

BACKGROUND

The Mid-Year Review presented for your consideration at the February 1st meeting indicated that the General Fund was by year end estimated to spend \$4.8 million more than it would receive in revenues. It was also indicated that this report would be coming to you for your consideration and approval. Your approval is being sought because of the magnitude of these changes.

DISCUSSION/ANALYSIS

Since adoption of the 2004-2005 Budget on July 20, 2004, and the subsequent lack of implementation of certain new revenue sources, it has become clear that a major review of all General Fund Revenues and Transfers In and Appropriations and Transfers Out needed to be performed. This review was benefited by a clearer understanding of the effect of the "triple flip" (Proposition 1A), state take-away of revenues, Council approved uses of Reserves, new contract with one bargaining unit, and departmental appropriation reductions

Beginning in early January, the Interim City Manager provided a target for each General Fund department. These targets included not only dollar amounts but also the following principles: impact community services the least, prevent employee layoffs where possible and "be creative" in finding solutions, including identification of items that could be eliminated. Lingering problem issues have been resolved through diligent research and record building. With many hours of intense effort, staff is pleased to report that the \$4.8 million deficit will be eliminated with the proposed changes. The net change to the General Fund by Year End should be zero. The changes are summarized in Exhibit A and B.

There are miscellaneous positive changes to revenues of \$133,000. The Payment in Lieu of Taxes/Return on Investment (PILOT/ROI) adoption adds \$823,000. The

Emergency Medical Services (EMS) Contract with Alameda County ended in September reducing our revenues by \$256,000 (likewise our expenditures will be reduced by \$217,500). In the interim, a new contract is being negotiated. The sale of the Vehicle License Fee (VLF) receivables will add about \$580,000 in revenues this year. Sales tax revenues appear to have a shallower growth curve than anticipated and we have therefore reduced our Sales Tax estimated revenue by \$219,000. Lastly, a budgeted item that is no longer needed is the ARRA Transfer in and the FISC (public safety) Transfer Out for offsetting amounts (\$2.5 million each).

In addition to the departmental changes and impacts as included in Exhibits B and C, there are significant miscellaneous changes as well. The Pension Fund 1079-1082 appropriation can be reduced by \$1.13 million. The EMS contract costs are reduced by \$217,500. The Transfer Out to the Risk Management Fund is reduced by \$391,120 due to cost savings. Payments of \$20,000 from reserves to our federal lobbyist, Holland & Knight, have been included in the changes shown in the exhibits. This appropriation requires Council approval. The Departmental appropriation reductions total \$2.1 million. All appropriation reductions total \$6.3 million.

FINANCIAL IMPACT

In summary, revenue estimates are reduced by \$1.4 million and appropriations are reduced \$6.3 million. It is estimated that there will be no net change at year-end to General Fund Reserves. Exhibit A recapitulates these changes and their affects on estimated fund balance.

RECOMMENDATION

It is recommended that the Council approve these recommended changes to revenues and appropriations.

Respectfully submitted,

William C. Norton
Interim City Manager


By: Juelle-Ann Boyer
Chief Financial Officer

JAB:dl

Attachments: Exhibits A-C

GENERAL FUND
RECAPITULATION OF ESTIMATED REVENUES AND APPROPRIATIONS
PROPOSED AMENDMENTS, FEBRUARY 2005

EXHIBIT A

AUDITED FUND BALANCE - July 1, 2004	2004-05 Amended Budgeted	Proposed Amendments	Qtr 2 Amendments	Qtr 1 Amendments	2004-05 Adopted
Revenue					
Property Taxes	\$15,037,459	(86,161)		259,620	\$ 14,864,000
Other Local Taxes	24,532,627	823,000	200,000	(2,026,840)	25,536,467
Licenses and Permits	3,158,252				3,158,252
Use of Money and Property	1,798,200				1,798,200
Fines and Forfeitures	881,500				881,500
Revenue from Other Agencies	5,168,586	324,000		23,886	4,820,700
Current Services	6,017,166		26,059	(500,000)	6,491,107
Contributions from other funds	8,460,422	(2,500,000)	1,002,164		9,958,258
Equipmt Replmt/Depreciation	1,502,875			1,502,875	
	<u>\$66,557,087</u>	<u>(\$1,439,161)</u>	<u>\$ 1,228,223</u>	<u>\$ (740,459)</u>	<u>\$ 67,508,484</u>

Expenditures					
City Administration	\$ 6,249,612	\$ 9,511	\$ 125,521	\$ 40,560	\$ 6,073,920
Public Safety	\$ 41,705,105	(1,689,024)	71,570	(404,969)	43,727,528
Planning/Building	\$ 2,874,113	(86,050)	239,059	-	2,721,104
Public Works	\$ 6,493,357	(515,700)	900,303	(57,000)	6,165,754
Recreation Services	\$ 3,639,791	(80,600)	(70,200)	28,400	3,762,191
Depreciation	1,502,875		0	1,502,875	
Equipment Replacement	444,709		(26,600)	471,309	0
Capital Outlay	138,769		(117,600)	256,369	0
Transfers	\$ 2,150,945	(3,954,120)	27,077	639,917	5,438,071
Debt Service	973,848		0		973,848
Non-Departmental	\$ 383,962	20,000	158,610		205,352
	<u>\$ 66,557,086</u>	<u>\$ (6,295,983)</u>	<u>\$ 1,307,740</u>	<u>\$ 2,477,561</u>	<u>\$ 69,067,768</u>

CURRENT YEAR BALANCE OF
REVENUES VS. EXPENDITURES \$0 \$ 4,856,822 \$ (79,517) \$ (3,218,020) \$ (1,559,284)

ESTIMATED FUND BALANCE - JUNE 30, 2005 \$18,245,729 \$ (412,164) \$ (1,388,257) \$ 15,189,329

*
Accrued Vacation 27.41%
Post Employment Health
Total

BUDGET AMENDMENTS AS OF FEB, 2005
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REVENUE	<u>Changes</u>	<u>Original Est</u>	<u>Amended Est</u>
		\$ 67,996,248	
Misc	\$ 133,000		
PILOT/ROI #1	823,000		
EMS #2	(256,000)		
VLF Receivable Sale #3	580,000		
ARRA Trsf in/out for public safety	(2,500,000)		
Sales Tax	(219,161)		
Total	\$ (1,439,161)		\$ 66,557,087
EXPENDITURES		\$ 72,853,070	
Non Departmental -FISC p.s.	\$ (2,500,000)		
Pension 1079-1082	(1,130,000)		
EMS	(217,500)		
Reduce Trsf to RM	(391,120)		
Holland & Knight	20,000		
Sub Total	\$ (4,218,620)		
City Council	(15,050)		
City Mgr	(31,500)		
Contingency	(20,000)		
City Clerk/Elections	(7,200)		
City Attorney	(980)		
Finance	(36,250)		#4
HR	140,087		#5
IT	(19,596)		
Police	(817,422)		
Fire	(654,102)		
Planning	(171,150)		
Bldg & Code Enf	85,100		
PW	(515,700)		
Rec & Park	(80,600)		
Library	67,000		
	\$ (2,077,363)		
Total	\$ (6,295,983)		\$ 66,557,087

NET CHANGE TO THE GENERAL FUND

\$ ZERO

- #1: Payment In Lieu of Taxes/Return on Investment - City ordinance
 #2: Emergency Medical Services - county wide enactment
 #3: Vehicle License Fee - a state subvention to Cities reduced but not paid by the State
 #4: Need \$45,000 for Financial Model requested/approved by Council
 #5: Salaries & benefits understated from July

Exhibit C

DEPARTMENTAL BUDGET ADJUSTMENTS IMPACTS
as of February 2005

<u>Department</u>	<u>Impact Description</u>	<u>Amount</u>	<u>Dept Total</u>	<u>Group Total</u>
City Council	postage in line with useage	\$ 150		
	memberships - large dues have been paid	6,000		
	Outside clerical - not used	900		
	Meetings & Conferences - fewer large meetings to attend	5,000		
	Meals for conferences	1,500		
	Travel for conferences	1,500		
	Total		\$ 15,050	
City Manager	Performance Measurement program on hold	\$ 9,500		
	Auto allowance	4,000		
	Meals/Lodging - less travel	4,000		
	Association Memberships - large dues paid	4,000		
	Personnel - savings due to turnover after transfer in from reserves	10,000		
	Total		\$ 31,500	
Contingency	Reduce funds available for special projects		\$ 20,000	
City Clerk	Professional Services - all large expenditures met	\$ 2,000		
	Telephone - estimated charges overstated	1,000		
	Total		\$ 3,000	
Elections	Contractual Services - county bill less than estimate	\$ 4,000		
	Telephone - estimated charges overstated	200		
	Total		\$ 4,200	
City Attorney	Professional Services	\$ 102		
	Notices and Publications	223		
	Office Equipment	335		
	Books and Manuals	130		
	Telephone	100		
	outside Equipment Repairs	90		
	Total		\$ 980	

DEPARTMENTAL BUDGET ADJUSTMENTS IMPACTS
as of February 2005

<u>Department</u>	<u>Impact Description</u>	<u>Amount</u>	<u>Dept Total</u>	<u>Group Total</u>
Finance	Part time salaries - hire no help for short staffing periods	\$ 30,800		
	Other benefits - overstated	10,000		
	Supplies - controlling inventory	3,540		
	Telephone - estimated charges overstated	20,500		
	Contractual services - all are in place	7,000		
	Services - miscellaneous savings in meetings & conferences, association memberships and recruitment costs	9,410		
	Financial Model Contract	(45,000)		
	Total		\$ 36,250	
Human Resources	Personnel Services - adjust for omission at budget preparation	\$(158,587)		
	Supplies	6,275		
	Contractual Services - careful management of existing contracts	4,950		
	Telephone - overestimated charges	4,500		
	Postage	1,000		
	Various Services	1,775		
	Total		\$ (140,087)	
Information Technology	Personnel Services	\$ 206		
	Computer Operating Supplies - careful management	4,579		
	Office Supplies	3,807		
	Copying Supplies	474		
	Books & Manuals	300		
	Contractual Services	75		
	Professional Development - reduce events attended	4,557		
	Telephone - overestimated charges	2,698		
	Postage	350		
	Meetings & Conferences - attend no events	1,900		
	Mileage Reimbursements	650		
	Total		\$ 19,596	
City Administration				\$ (9,511)

DEPARTMENTAL BUDGET ADJUSTMENTS IMPACTS
as of February 2005

<u>Department</u>	<u>Impact Description</u>	<u>Amount</u>	<u>Dept Total</u>	<u>Group Total</u>
Police	Personnel Savings - positions held vacant after retirements and resignations; in appropriate budget estimates	\$ 571,320		
	Personnel Savings - part time positions not filled after resignation or reassignment and not re-filling positions; work load to be absorbed by remaining staff resulting in delayed data input; delayed posting and processing of abandoned vehicles. Additionally, not filling behind two Officer promotions.	86,930		
	Supplies and Services - office supplies, operating supplies and notices and publications; aggregation of small items.	20,911		
	Professional Services - reduce the training budget to the mandated requirements remaining to be done	48,000		
	Utilities - appear to have been over budgeted	25,000		
	Supplies and Services - close Harbor Patrol Unit	7,052		
	Equipment Replacement - defer replacement of Animal Shelter Transport Module (1 unit in service); crossing guard uniform replacement and 3 chairs for the communications center.	49,109		
	Capital Outlay - Savings achieved by utilization of existing equipment and some purchases.	9,100		
	Total		\$ 817,422	
Fire	Personnel - savings from unfilled positions and budget over estimations net of hiring 5 Fire Fighters at Academy rates	\$ 522,102		
	Supplies - firefighting and apparatus - delay purchases of firefighting tools and implements; delay purchase of replacement parts and/or to limit repairs to apparatus unless absolutely necessary	26,000		
	Supplies - protective clothing - the planned addition of a second set of protective clothing for 30% of the force will be reduced to 15% of the force	10,000		
	Supplies - janitorial, office, copying and forms & printing - require delayed purchase of items; conservation of supplies	16,000		
	Services - professional and contractual - impacts ongoing investigations, testing and planning services	51,000		
	Services - utilities, memberships and meetings and conferences - conserving resources within budgets	29,000		
	Total		\$ 654,102	
	Public Safety			\$ 1,471,524

DEPARTMENTAL BUDGET ADJUSTMENTS IMPACTS
as of February 2005

<u>Department</u>	<u>Impact Description</u>	<u>Amount</u>	<u>Dept Total</u>	<u>Group Total</u>
Planning	Personnel Services - savings through unfilled positions	\$ 170,000		
	Supplies - savings	2,700		
	Services - limit conference attendance and related travel expense, and auto allowance savings. Increases required in Telephone and Notices and publications not offset by savings	<u>(1,550)</u>	\$ 171,150	
	Total			
Building/Code Enforce	Personnel Services - use salary savings to fill plan checker	\$ (89,100)		
	Supplies - savings offset by additional fuel costs	850		
	Services - savings in conferences and related travel expenses, auto allowance	<u>3,150</u>		
	Total		\$ (85,100)	\$ 86,050
	Planning and Building			
Public Works	Personnel - savings from vacant positions	\$ 486,906		
	Supplies and Services - savings in maintenance supplies and utility costs	<u>28,794</u>		
	Public Works		\$ 515,700	\$ 515,700
Recreation & Parks	Personnel - do not fill part time office support position; transfer equipment operator to Golf with mowing done by maintenance workers using different equipment	\$ 41,600		
	Services - costs less than anticipated; reduced tree trimming and elimination of training budget	<u>39,000</u>		
	Recreation and Parks		\$ 80,600	\$ 80,600
Library	Personnel - correct earlier over-reduction of part time salaries	\$ (67,000)		
	Library		\$ (67,000)	\$ (67,000)
	Grand Total			<u>\$ 2,077,363</u>